

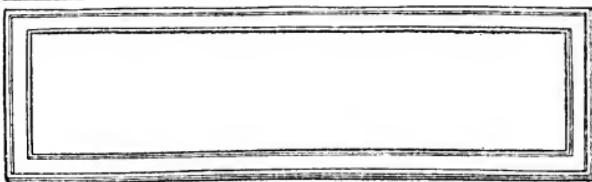
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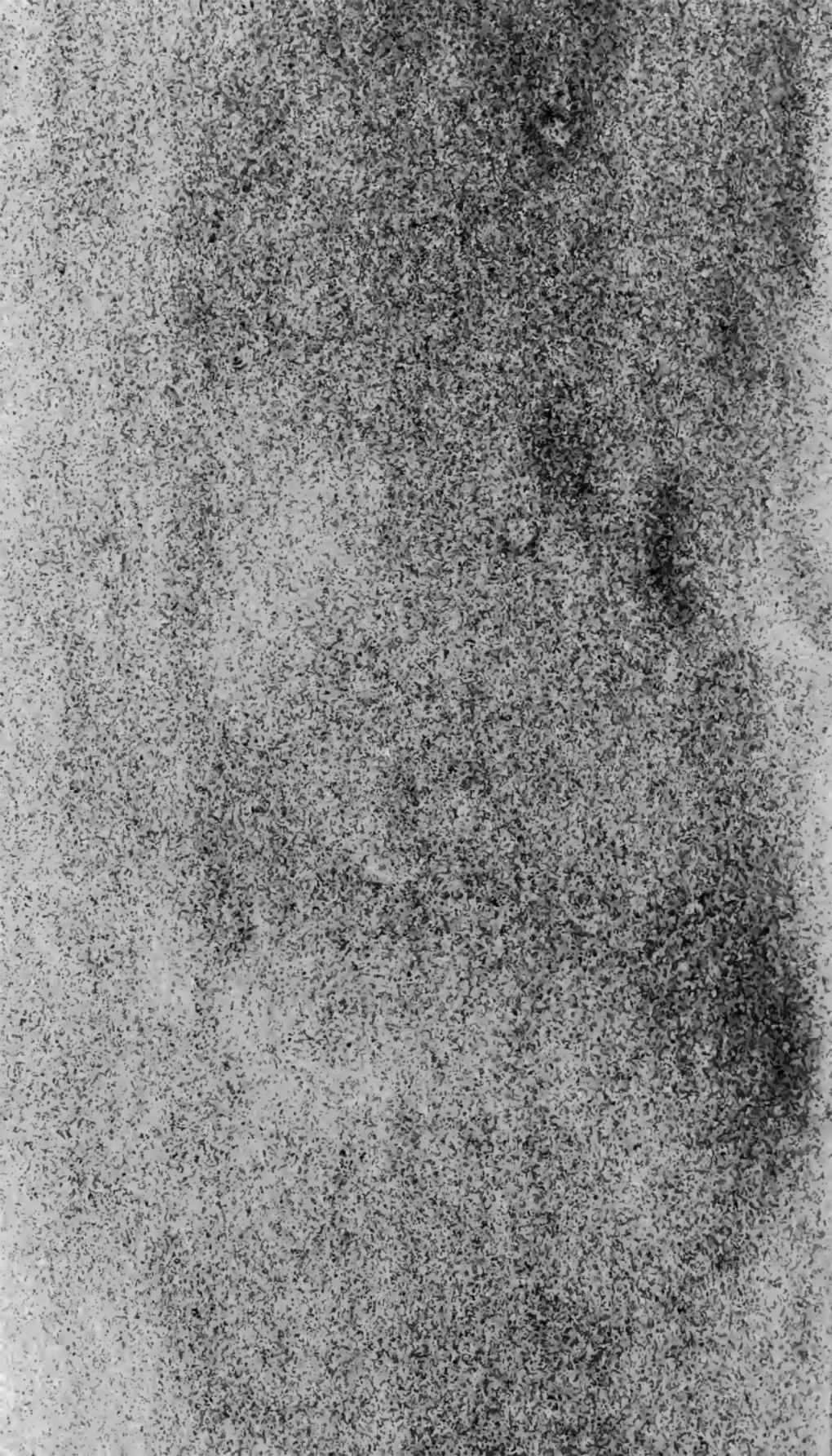


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REVIEW
OF THE
Colonial Slave Registration Acts,

IN
A REPORT

OF A
COMMITTEE OF THE BOARD OF DIRECTORS

OF THE
AFRICAN INSTITUTION,

MADE ON THE 22d OF FEBRUARY, 1820,

AND
PUBLISHED BY ORDER OF THAT BOARD.

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TO THE
Directors of the African Institution.

THE following is the Report of your Committee, to whom it was referred "to examine the Acts passed by the Legislatures of the different Colonies in the West Indies, for a Registration of Slaves in those Colonies, and to report their opinion thereon to the Board."—

Your Committee, on proceeding to make the inquiry referred to them, found their progress immediately arrested by the information that the papers already presented to Parliament, and printed, would furnish an incomplete and erroneous view of the laws lately passed in the different colonies for the registration of Slaves; because various other Acts of Assembly, explanatory of the former, or introductory of new improvements, had since been passed, and transmitted to this country for the Royal Allow-

ance, although there had not yet been time enough for collecting and presenting to Parliament such of them as his Majesty had allowed. Orders, however, having been given for their being laid before each of the two Houses of Parliament, in consequence of Addresses for that purpose, your Committee, under these circumstances, thought it better to suspend their proceedings, than to prepare and submit to your Board a Report which must have been at least imperfect, and which might have been thought unjust towards the Colonial Legislatures, in noticing defects that perhaps had been already repaired, and withholding from them the credit of their latest improvements.

These further laws were not presented to Parliament and printed till the month of June last; and, before your Committee obtained a copy of them, the parliamentary recess had commenced, and the Members of the Committee were too much dispersed to be easily convened for the purpose of proceeding upon the extensive inquiry referred to them. It is hoped, therefore, that the delay will be considered as an inconvenience which has not been wilfully or needlessly incurred.

These laws, as now before your Committee, are contained in five different collections, officially presented to the House of Commons and printed by its order, which it will be convenient, for the purpose of this Report, to distinguish by so many numbers, in the

chronological order of their presentation; and these collections, taken together, contain all Colonial Acts and Ordinances within the knowledge of your Committee, in any degree relating to the Registration of Slaves. They are as follows: viz.—

No. I.—Papers printed by order of the House of Commons, of 5th April 1816, entitled, “**COLONIAL LAWS RESPECTING SLAVES;**” being a Return made in pursuance of an Address of July 12th, 1815, for copies or extracts of all such laws as had been enacted in any of the colonies relative to the importation of Slaves, or to the protection or good government of Slaves or People of Colour, since the year 1788.

No. II.—Papers printed by order of the same House, of 26th February 1817, entitled, “**COLONIAL LAWS AND CORRESPONDENCE RESPECTING SLAVES.**”

No. III.—Papers printed by order of the same House, of the 6th June 1817, entitled, “**ADDITIONAL COLONIAL LAWS RESPECTING SLAVES.**”

No. IV.—Papers numbered “IV.”, and entitled, “**FURTHER PAPERS RELATIVE TO THE TREATMENT OF SLAVES IN THE COLONIES,**” printed by order of the House of Commons, of 10th June 1818.

No. V.—Papers printed by order of the same House, of 7th June, 1819, entitled, “**PAPERS RELATING TO THE TREATMENT OF SLAVES IN**

THE COLONIES"—viz. Colonial Acts of Berbice, Dominica, Grenada, Nevis, and Tobago.

To state the provisions of all these laws in detail, with the observations which they respectively invite, would be to extend this Report far beyond all convenient limits. No less than twelve different Legislative Assemblies have dealt with the same subject, according to their various views. The diversity has been further increased by Ordinances of Governors and Courts of Policy or other local Authorities, in some of our lately-acquired colonies, in which Representative Assemblies have not been established.

Your Committee will therefore endeavour to abbreviate their statements as much as possible, by avoiding minute or unimportant discriminations ; and by classing together such laws of different colonies as have the same general texture, or are liable in some measure to the same general remarks.

There is now no legislative assembly, in any colony belonging to Great Britain wherein Slavery exists (with the exception of BERMUDA), which has not in some measure practically recognized the necessity or propriety of that important measure, the Registration of Slaves*.

* In the BAHAMAS the Act is not called a Register Act, and the Assembly is understood to have expressly refused to pass one; but as far as a numerical census goes, the expediency of the system is there also practically admitted.

The African Institution may thus far, therefore, congratulate itself on the success of its labours. A Report made to your Board in 1815, and which was published by your order, first called the attention of Parliament, and of the public at large, to the necessity of effectually preventing the clandestine importation of Slaves, and shutting out the mischievous hope of such a resource in the sugar colonies, by means of a public registry; and it was in pursuance of a resolution of your Board, that a Bill was brought into Parliament for that purpose.

A violent opposition was made to the measure in the colonies, and by their agents and other persons connected with them in this country. Your conduct was loudly condemned; even your motives were vehemently arraigned: and the measure itself was treated by many of your opponents as not only useless but mischievous, and in a high degree dangerous to the very existence of the colonial system. Yet in less than three years almost every West-Indian Legislature has practically admitted that the Register Bill, in its principle, and in most of its provisions also, was right.

They objected, it is true, and may still object, to the interposition of Parliament. You, on the contrary, maintained that the measure neither would, nor could, be effectually carried into execution by any other than parliamentary authority. If the event shall be found to have really disproved this opinion, it will be right to acknowledge it to have

been groundless ; but you will still have reason to rejoice in its consequences, notwithstanding all the reproaches lavished on the Institution on account of that fortunate mistake. The Assemblies condemn your interference as needless and mischievous, even in some of the laws that adopt, or profess to adopt, your suggestions ; yet not one of these legislative bodies, during nine years that had elapsed from the Abolition of the Slave Trade, had at all entered on this important work, or even provided in any way for ascertaining the increase or decline of their Black population, till your Report, and the introduction of the Register Bill into Parliament, called their attention to the subject. The example had been given by his Majesty's Government in the Registry of Trinidad ; but it had no where in any degree been followed. Your appeal to the public and to Parliament, therefore, can hardly now be thought to have been superfluous.

If, indeed, the Assemblies have really accomplished what you supposed they wanted both the will and the power to effect, you will not be anxious to contend for the justice or the reasonableness of the opinions you then expressed. It will be enough for your satisfaction, that your suggestions have certainly given birth to the colonial Registries of Slaves ; in other words, to the only system that can effectually and permanently exclude the Slave Trade from the British Colonies, and thereby lay a sure foundation for humane improvements in the exercise of the

master's power, and in the general condition of the Slave Population.

Your Committee, in examining the Register Acts of the different colonies, have been naturally impressed with these views; and have, therefore, perhaps, been more in danger of being biassed by their wishes to ascribe to them too much, than too little, efficacy in respect of the great objects in question. They hope, however, to avoid partiality on either side; and fairly, though compendiously, to state, both what the Colonial Legislatures have done, and what they have omitted to do.

The most convenient classification of the various provisions of the different Register Acts that has occurred to your Committee, is to consider, *First*, Those which respect the organization of the registries themselves. *Secondly*, Those which prescribe and regulate the positive duties of individuals and public officers, in regard to the registration. *Thirdly*, The sanctions by which obedience to those laws is to be promoted or enforced.

In reviewing these different classes of enactments, it will be useful to premise, in a general way, what, under each class, are the provisions of the Order in Council for establishing the Registry of Trinidad, which was the model of the Bill brought by your request into Parliament, that it may be seen how far the Colonial Legislatures have conformed to that pre-

cedent, or departed from it. Departures from it, it is admitted, are not necessarily defects. They may, perhaps, be improvements. But a precedent, settled, after long deliberation, by his Majesty in Council, with the assistance of all the Law-officers of the Crown, is well worthy of attention; more especially as the new system introduced by it has now stood the test of experiment during several years, and is said to have fully accomplished at Trinidad the important purposes for which it was designed.

The organization of the Registry of that island, was specifically and minutely provided for by the Order in Council. A Registrar was to be appointed, whose personal and upright discharge of the duties of his office was secured by all the precautions that legislative foresight could devise; by oaths, by bonds and sureties, by a liberal official income, and by heavy penalties, including forfeiture of office, in cases of malversation or neglect. It was thought right also to guard him from the temptation of practising the abuses which it was his duty to prevent, and if possible also from the influence of those local prejudices and habits that were opposed to the principles of the new law, by disqualifying him from holding, while in possession of his office, any property or interest in Slaves. A convenient house or building in the principal town was set apart for the sole purpose of the Registry; and the books of record to be kept there were described, and the manner of preparing and keeping them regulated, with great par-

ticularity and precision. The slaves belonging to the plantations, and those employed in the domestic or personal service of their masters, were to be distinguished from each other by the respective names of "*plantation slaves*," and "*personal slaves*," and registered in different books.

The salary of the Registrar was left to the discretion of the Crown ; but his fees were appointed by the Order in Council *.

* Viz.—For office copies of the Registered Returns, at the rate of one penny sterling for each Slave ; for every certificate of extracts or entries in the register books, ten shillings ; and two shillings for every hundred words beyond the first hundred in any such extract ; and five shillings for every search made in the Registry.

It is not immaterial to state what the produce of these fees has been in Trinidad, where the number of registered Slaves is known, because it will furnish a ratio for estimating the sufficiency of the fees allowed by the several Acts now under review ; and your Committee are enabled to state from an authentic document, being a return made by the Registrar on oath, that the whole gross produce of his fees during the six years that had elapsed since the formation of the Registry, viz. from 1813 to 1818, both inclusive, was 7648*l.* 13*s.* 3*d.*, giving an average of 1274*l.* 15*s.* 6*½d.* sterling. But out of this, the Registrar had to defray the salaries of his clerks, and the cost of stationary, and all other articles, except the original and duplicate blank books of registry, which were purchased and prepared at the charge of Government in this country ; and except also the rent of his office, which has been paid from the Colonial Treasury. They are not enabled to state what, after these deductions, has been the net annual emolument ; but they suppose that it cannot have exceeded 1000*l.* sterling ; and has probably been considerably less.

It seems, therefore, that when to these fees, is added the salary of 1000*l.* Trinidad currency, or 500*l.* sterling per annum, the

In all the points that have been mentioned, but most observably in what respects the Registrar's in-

emoluments, cannot be deemed excessive, the whole not exceeding 1500*l.*; and this, as has been stated on good information to your Committee, was the sum which his Majesty's Government originally estimated as the proper amount of remuneration to a Colonial Registrar of Slaves,—an officer who has to discharge functions of great importance and responsibility, yet of a very delicate and invidious nature, and in which his integrity might be exposed to dangerous temptations, unless he were guarded by external respectability, and placed in perfect independency of the community in which he lives. When the formidable risks of the climate are also taken into the account, it seems clear that an income of much less than 1500*l.* per annum, cannot well be expected to induce properly qualified persons, perfectly worthy of confidence, to submit to permanent residence in the West Indies, and to devote their time there wholly to the duties of such an office, renouncing every other gainful employment.

Your Committee has felt the propriety of submitting to you these facts and observations, because the emoluments of the Registrar of Trinidad have been exaggerated by the opponents of the Register Bill to a most extravagant degree. They have even ventured to state them to the public as amounting to 5000*l.* or 6000*l.* sterling per annum. They were estimated at the latter amount in a petition or memorial of the Cabildo, or Insular Council, to the Prince Regent in 1812. Such at least, was alleged to be the charge imposed on the island by the Registry of Slaves.

Some of the colonial writers have founded on such exaggerations, not only their most specious objections to the system in general, but even injurious imputations on its authors or promoters; as if their object had been to burden the Colonies with a wasteful expense, for the benefit of individuals, for whom they wished to provide by means of ministerial interest.

Unfortunately, however, for the authors of this imputation, no Registrar of Slaves yet appointed in the Colonies has been recommended by, or known to, the promoters of the Register

dependency, and the respectability of his office, the Colonial Acts have widely departed from the Order in Council.

They have, in the first place, universally omitted the salutary disqualification of slave-holders. The Registrar, in every colony may be, and therefore most probably will be, a person whose own private interests are liable to be thwarted, and in supposable cases ruined, by a strict discharge of his official duties, and whose former habits and prejudices are strongly opposed to the principles of the Register Bill.

In the next place, the ease and independency of this officer are sacrificed by a parsimony utterly incompatible with both.

In some colonies, as Jamaica and the Bahamas *, no new officer is appointed ; but the laborious and important functions of the Registrar, or such of them as the Acts create, are imposed upon the Secretary of the Colony.

When it is stated, that this officer had before a Bill ; and the nomination to the office alleged to have been so valuable, was left by his Majesty's ministers (*in consequence of the actual want of any recommendation here*) to the gentleman on whom the Government of Trinidad had by accident devolved, and who filled it with a private friend of his own, a planter of the island. This gentleman was so far from being indebted to the promoters of the measure, that the restrictions of the Order in Council would have excluded him, if he had not immediately sold his estate to qualify himself for the office, when unexpectedly offered to his choice.

* Papers, No. iv., p. 11—14.

multiplicity of clerical duties, furnishing together full employment for his time ; and a variety of other miscellaneous employments, such as in this country belong to a great number of different public functionaries, no more perhaps need be said to shew the absolute impossibility of his properly discharging the duties of such an onerous additional office as that of Registrar of Slaves. Yet, in Jamaica, he is required to register all the returns, original and periodical, of all the twenty-one parishes of the island, which, collectively, contain by the last official returns, no less than 345,252 Slaves ; and in the Bahamas, he is to record such returns of the Slave Population as are prescribed, for all the numerous islands which that Government comprehends.

If the duties are really to be performed, the hardship imposed on this old patent officer in Jamaica, would be intolerable ; for no salary is given to compensate him for these new labours, and for the serious responsibility attached to them, nor any allowance made for the rent of the additional rooms, or the salaries of the additional clerks, which he must of necessity engage.

The enormity of these defects in the Act of Jamaica, will appear in a more striking point of view, if you recur to the calculations made by the Assembly of that island in its Report on the Register Bill, of December 1815, when the avowed object was not to adopt the measure, but to condemn it altogether as impracticable. The Assembly then

stated, that it would require thirty-four of the largest books used in the Secretary's office to contain the original registration alone, and would employ a clerk more than six years to enter them.

It is said, but on what authority we know not, that an excuse has been made for appointing the Secretary to be Registrar of Slaves in Jamaica, on the ground of his patent rights. How his old patent can extend to a new office, instituted for a special purpose, and on principles unknown before, it is not easy to conceive; nor do your Committee understand how such a right, if existing in Jamaica, has been overlooked in other colonies, in which the Secretary is also an old Patent Officer. But, if there was any necessity for making the Secretary the Registrar, there could be none for not giving him adequate official appointments or assistants, and for not obliging him, if he claimed the new office, to provide a proper separate establishment for its business.

The Bahama Act does not even allow any fees for the extracts or certificates which the Secretary may have to furnish, or for any other official service. In Jamaica certain fees are allowed; but they are such as cannot be at all an adequate compensation for the new duties which ought to be performed.

The other colonies, though consisting for the most part each but of one small island, have admitted the necessity of establishing a new and special officer, to perform the duty of Registrar. The Act

of DOMINICA indeed, has imposed the duties on the Colonial Treasurer; but in GRENADA, NEVIS, SAINT CHRISTOPHER, &c., it has been felt, that in professing to adopt the system of Slave Registration, the appointment of a new special officer as Registrar, could not be consistently withheld.

These colonies, however, have differed widely from each other; and still more from his Majesty's Government, in estimating the proper remuneration of the Registrar of Slaves.

In Nevis, this important officer is allowed for the first year the sum of 150*l.* current money, being, at the rate of exchange lately current, 75*l.* sterling. And, lest it should be doubted, whether that compensation was meant to cover his highly laborious services in receiving and filing the original returns, and transcribing them into his books of original registration, and completing in all respects those bulky fundamental records, it is expressly declared that the 150*l.* currency is given for those services; and his remuneration in all subsequent years is accordingly reduced to 100*l.* currency, or about 50*l.* sterling!! His allowances in fees are also materially less than those which are established in Trinidad; though, as their average number in a given period must be less by nearly two-thirds, the rates should rather have been enlarged *.

* The fees are, for every search in his registry, three shillings currency; and for official copies of schedules, &c., at the rate of two shillings currency for every ninety words; and for every

It would swell this Report to an immoderate length, if your Committee should fully state the certificate by him given and subscribed (except the original office copy therein before-named), nine shillings like money. The exception is particularly hard. It refers to copies of all the original registered returns, which he is required to give if demanded ; and for which additional duty also, the allowance of 75*l.* sterling for the first year is, expressly, to be his only compensation. As proprietors must, for obvious reasons, be desirous to possess an official document, attesting the original Registration of their Slaves, the profits arising from office-copies would naturally be far greater in the first than in any subsequent year. Accordingly, it appears from the Trinidad Return, before referred to, that the gross amount of the Registrar's fees, in the first year, was no less than 2454*l.* 7*s.* sterling, though they averaged, in six years, only about half that sum. But in Nevis, this primary profit is taken away from the Registrar, and the amount of fees in subsequent years at the same time greatly diminished ; for as all proprietors may have a certified copy of the register, as far as it interests them, gratuitously, in the first year, few, perhaps, will afterwards have occasion for searches or extracts, unless, indeed, after three years, to shew by a brief note the effect of the periodical returns. The Assembly, however, thought it not too much to ordain that an extra allowance of 25*l.* sterling, for the first year, should be the sole compensation for certified copies of the entire records, as well as for the whole labour of their formation.

In order to compare this remuneration fully with the precedent at Trinidad, it should be observed, that the Slaves returned for original registration there, were 25,717 ; and that at Nevis, the last authoritative account known to your Committee, represents the Slaves in that island as amounting to 9326. (See Governor Elliott's Correspondence with Lord Liverpool, in the Papers relating to the West Indies printed by order of the House of Commons of July 1812, p. 134).—Supposing the latter account to be as much below the truth as old returns from Trinidad and elsewhere have proved to be (it being taken from similar data), the number of Slaves registered in Nevis will be in the proportion

provisions of the Acts of all the different Colonies on these important points. It may suffice to say, to the former as about one to two; while the Registrar's salary is as one to ten.

The official fees may appear to be less unequal, being respectively, when reduced to sterling, as 1s. 6d. is to 5s., 4s. 6d. to 10s., and 1s. to about 1s. 9½d.; but when it is considered that these are not net emoluments, and that the charge of clerical labour to be deducted is the same in both cases, it will appear probable that the net income received by fees cannot be less disproportionate than the salaries. It should be added that the proprietors in Trinidad are peculiarly numerous, in Nevis peculiarly small, in proportion to the number of slaves; a distinction that must make the demand for official searches and certificates proportionably unequal, and lessen in that way the emoluments of the Nevis Registrar, if such a rate of fees can be expected to afford any net emolument at all.

It may, on the whole, with great probability be calculated, that the gross amount of fees in an island like Nevis, will not, *communibus annis*, suffice to pay the salary of a single clerk, and the other expenses of the office. If not, the Registrar must be out of pocket; for, in order to keep his office open six hours every day, and to be enabled always to give copies within ten days after they shall be demanded (both which the Act binds him under penalties to do) he must necessarily keep a clerk in constant pay, even if it were consistent with any decent regard to the credit of such an officer in the eyes of the public, that he should himself submit to the drudgery of copying the extracts. Even the office rent, for which, in Trinidad, 32*4l.* sterling is allowed by the Government, must at Nevis be paid by the Registrar. No provision at least appears to be made for it out of the public purse of the colony; and as it was thought necessary to enact that payment should be made from the Insular Treasury for the books and blank forms which the Registrar was directed to provide, it must be inferred that the silence of the Act as to the office rent was meant to leave that serious charge to fall on the Registrar himself. But without taking this expense into the account, enough has been said to

that their salaries and rates of fees in general are not more liberal than those of Nevis; rather the reverse*.

shew that the Nevis Registrar, far from deriving respectability or independency from his official income as a gentleman, cannot even have an adequate remuneration for his manual labour and his time as a stipendiary writing clerk.

* They are when reduced into sterling money, at the recent rates of exchange, as follows; viz.

ANTIGUA...200 <i>l.</i> per annum	{ Papers, No. 3, p. 39.
TOBAGO...250 <i>l.</i> for the first, and 200 <i>l.</i> for every subsequent year	
MONTSERRAT...30 <i>l.</i> sterling per annum.....	{ Papers, No. 4, pp. 74 to 80.
ST. CHRISTOPHER...100 <i>l.</i> for the primary, 50 <i>l.</i> for each triennial registration, and no salary during the other years	{ Id. pp.89 to 90.
VIRGIN ISLANDS...50 <i>l.</i> for the first, 83 <i>l.</i> for every subsequent year	{ Id. pp.99 to 107.
DOMINICA...150 <i>l.</i> to the Treasurer, as Registrar, for the original and triennial registration; nothing in other years	{ Id. pp.30 to 39.
BARBADOES...300 <i>l.</i> for the original registration, &c. and 100 <i>l.</i> per annum afterwards.....	{ Papers, No. 3, p. 7.
BERBICE...2400 guilders colonial money, or 200 <i>l.</i> per annum, and the further sum of 4800 guilders, or 400 <i>l.</i> for the original registry	{ Papers, No. 4, p. 23.
DEMERARY...200 <i>l.</i> and 600 <i>l.</i> for the original registry.....	{ Id. p. 28.
GRENA DA...400 <i>l.</i> for the first, and 100 <i>l.</i> for each subsequent year	{ Id. pp.39 to 50.

This provision in Grenada was by an Act passed in March, 1817; but by a subsequent Act of November, 1818, it is recited that the salary of 100*l.* (200*l.* currency) fixed by the former Act for the second and following years, had been found altogether inadequate to the trouble and responsibility of the office, and

The provisions made for the remuneration of the Registrars are every where, but in Grenada, grossly inadequate, and in most colonies degradingly low. The high public trust reposed in these officers, consequently, will not be guarded by their personal respectability, or their independency in point of income. Few men will be found willing to accept the office of Registrar, but such as from their previous habits, and their situations in life, are peculiarly unfit to be trusted with it; that is to say, men who, from birth or long residence in the West Indies, think that to remain there is no sacrifice; and who, from their

it was thereby enacted, that the salary should be raised to 400*l.* sterling, or 800*l.* currency per annum. (*See No. 5, Papers printed by order of the House of Commons, 7th June, 1819, page 28.*)—This acknowledgment, and this amendment, are creditable to the Legislature of Grenada; and your Committee invite particular attention to them, as a decided confirmation of their strictures on the gross inadequacy of the salaries in other colonies, but without admitting that even the last granted Grenada salary, though exceeding by four-fold that of the more populous colony of Barbadoes, is sufficient to give independency and respectability to the office.

What the law of St. Vincent is on this subject, does not appear to your Committee by any satisfactory evidence; for though in the collection of papers, No. 3, page 23, a document is inserted, purporting to be the Register Act of that Colony, it seems to be only a copy of a bill, with blanks, as brought into the Assembly; and whether it passed in the same form into a law, does not appear from any of the printed parliamentary papers referred to. If it did, St. Vincent, like Jamaica and the Bahamas, has imposed the duties of Slave Registrar on the Secretary of the Island, and allowed for them no salary at all.

indigence, are glad to obtain any employment, upon any terms, for the chance of a bare subsistence.

It may perhaps be thought to extenuate this great and dangerous defect in the smaller colonies, at least in a comparative view, that their slave population is not large, nor their colonial treasuries wealthy; but the fewer Slaves there are to register, the less must be the produce of fees when regulated by the same parsimonious rates, and the greater consequently the necessity of a liberal stipend. And it should well be considered that, in this case, the importance of securing an upright discharge of the public duties is by no means merely proportionate to the magnitude of the colony or its population; because if the abuses, which it was the object of the Register Bill to prevent, are allowed to prevail in a single island, however small, it may frustrate the good effects of the system in all the rest.

This will be obvious, if it be considered that so long as the importation of Slaves from one British colony into another shall be permitted by law, it will be necessary to allow a certified registration in one island as a sufficient title to registration in any other, to which the Slave may be sent with a regular custom-house clearance. Such were the provisions of the Parliamentary Register Bill; and the Colonial Acts of course are not less indulgent to proprietors of Slaves. It follows, therefore, that if the Registry of a single island is so corruptly or negligently managed, as to admit with facility the introduction of smuggled Negroes from Africa, or from the foreign colonies,

they may be transferred thence with security, by regular certificates and clearances, to all other places to which Slaves can be lawfully carried in the British West Indies: nor can the Registrar at the place of importation, however upright and vigilant, refuse to give them a place in his books. There must of necessity be a mutuality of credence among these officers to each other's records and certificates, as the only means of reconciling the general system of registration with the right of mutual commercial intercourse between the colonies, and the removal of Slaves from one island to another, independent as they are of each other in point of legislative and judicial authority. The practical evasion of the system, therefore, in one of those colonies may occasion its remediless failure in all. In this instance, as in most other cases that your Committee have to notice, the inconvenience and the extreme difficulty, not to say the absolute impracticability, of giving full effect to the system by any other than parliamentary authority, will soon be manifest to every unprejudiced mind,

PUBLIC OFFICES FOR THE PURPOSES OF THE REGISTRY.

The next branch in importance of those provisions which belong to the organization of the Slave Registries, is the providing of public buildings, in which the returns are to be filed, the books deposited, and the whole of the official duties performed.

The Order in Council for Trinidad directed that

a public building should be provided and set apart for these essential purposes; and a register office has accordingly been established in the capital town, at an expense which seems to indicate that it is commodious enough for all the business of the Registrar, and constructed so as may best insure the safe custody of his important records.

It would be wasting time to point out the indispensable necessity of such a record office in every colony, if the institution of a Slave Registry is to have that permanency which its object requires, or is to be reconciled with the security and convenience of those whose property it deeply affects. Yet your Committee are under the painful necessity of observing that not one of the Colonial Acts under its review appears to have provided, or set apart, any public building or office whatsoever for the use of the Registry.

In Jamaica and the Bahamas, as already observed, and in St. Vincent also (if the Bill as printed in the parliamentary papers ever passed into a law), the Secretary of the Colony is constituted the only Registrar of Slaves; and it was, perhaps, therefore intended, that the Secretary's office should be the depository of the returns and books, and the place of the Registrar's business. No rooms, however, are directed to be set apart for these purposes; and yet your Committee find reason to believe that the buildings occupied by the Colonial Secretaries in the two latter colonies, if not in all the three, are barely sufficient for their other official functions, and could

not afford the appropriation of a single room to the uses of the Registry.

In Dominica, the same observations apply to the Treasurer, on whom the Registrar's duties are cast, with the aggravation, it is believed, that he has no public building or room whatever, even for his business as Treasurer, but transacts it at his private residence.

In Tobago, the house or office of the Treasurer for the time being is to be the Registry, *if the Treasurer shall be the Registrar.* If not, no office is provided or appointed.

The Acts of the other Colonies, in appointing Registrars, and settling their allowances, are all silent as to the purchase or rent of any offices, or the appropriation of any public buildings to their use; and contain no allowance or grant of public money for these purposes: therefore it seems that the Registrar must provide himself, in whatever way he pleases, with a place for his business; and as there is nothing to prevent his transacting it at his own private residence, he will probably take that, as the cheapest and most convenient course. Indeed, in most colonies, he cannot afford any other. One or two of the Acts require him to keep his office in the chief town; but there appears to be no other restriction on his choice, and nothing that can possibly be construed to oblige him to provide an office, at his own charge, where the Registry may permanently be kept by himself and his successors.

It is an obvious consequence of this strange de-

fect, that records on which the evidence of a lawful title to property in Slaves and their posterity, if not also the title itself, is hereafter to depend, are not only to have no public depository, but no fixed place. They are to be ambulatory, following the person of the Registrar on every removal during his life, or while he holds the office; and, upon his death, or his quitting the colony, will have no better protection from mutilation, fraudulent alteration, or destruction, than any of his private papers. It has not even been thought worth while to prescribe any course by which, on a change of Registrars, the former officer, his attorneys, or executors, shall transmit the custody of these momentous records to his successor, so as to attest their identity, and their passage, free of interpolations, from one official keeper to another!

Your Committee must leave others to account for such indifference as to the safe and faithful custody of these important records; an object vital to the principles of the Register Bill, and the failure of which must be highly mischievous, even under the colonial enactments, if they are to have any permanent operation and effect.

PREPARATION OF THE REGISTER BOOKS, &c.

The Order in Council for Trinidad, not only directed the Registrar to provide large blank paper books, strongly and durably bound, for the purposes of the Registry, but regulated, carefully and minutely, the manner in which these books should be pre-

pared for the reception of the returns ; it being obviously essential to the plan that such records should be of durable materials, and constructed in a method the clearest and best calculated to facilitate research, and to prevent any fraudulent alteration.

The Colonial Legislatures, on the contrary, have adopted only the most general description of the books ; while, as to the manner of preparing them to receive the returns, they are *all*, with the exception of Tobago, entirely silent, and direct only, in vague general terms, that "the returns shall be copied into the books." But this latter deviation from the precedent, (which will be found pregnant with very serious practical inconvenience), will be best considered under the next of the three general heads into which your Committee have divided their inquiries.

SECOND CLASS OF PROVISIONS.

The Provisions of the Colonial Register Acts which regulate the Returns, and their Enrolment ; and the Transmission of Copies or Abstracts to England.

The Order in Council adopted a division, which not one of the Colonial Acts, with the exception only of the Act of Tobago, has followed—that of returning the *plantation Slaves* and the *personal Slaves* separately, in distinct lists ; and recording them in distinct books. By the provisions of the other Colonial Acts, they are to be blended indiscriminately.

This is one of the few instances, in which the Colonial Legislatures, in their departures from the precedent, are found, with the exception that has been noticed, to be all of one mind. It is, therefore, the more worthy of observation ; especially as no reason for such a deviation appears in any of their remonstrances against the Register Bill. Your Committee, at least, cannot recollect, that, among the various elaborate strictures that were published on the details of that proposed measure, or previously on the Trinidad Order in Council, it was ever represented as a hardship, or an inconvenience, to be obliged to distinguish the Slaves attached to plantations, from the rest of the servile population ; the latter of which are defined by the Order as personal Slaves.

In a mere statistical view, the distinction is obviously of great interest and importance. The supposed necessity by which the Slave Trade was long defended and maintained was deduced from the alleged incapacity of Europeans to sustain agricultural labour in the West Indies, and the want of an adequate stock of Black labourers for the use of the plantations. To domestic service, and the various in-door employments of personal Slaves, the same argument was not, and could not with any colour of reason, be applied. It is the diminution or increase, therefore, of the numbers of plantation Slaves, much more than that of the Black population at large, that a British statesman must now be anxious to ascertain.

Nor is the distinction of less importance in the eye of enlightened benevolence; because the grand general abuses to which the decline of native population in the sugar colonies has been ascribed by all the friends of humane reform, and by many of their opponents also—namely, “excess of labour, and insufficiency of food”—never were supposed to affect, in a destructive degree, any but plantation Slaves. A periodical census, therefore, shewing the native increase of these, or a diminished ratio of their annual decrease by mortality, since the Abolition, would furnish the most satisfactory test of meliorated treatment.

The Colonial Legislatures themselves have all been manifestly impressed with these views, when framing their meliorating Acts, and defending their own conduct. All their regulations as to food and labour, and all their other enactments professedly adapted to the increase of their native slave population, apply to the plantations alone. All their complaints also, or predictions of evil on account of the Abolition, have had respect only to plantation Slaves. Yet when a census is to be established, and when a precedent for it is before them, requiring a discrimination exactly adapted in this respect to their own views, they are nearly unanimous in rejecting it! They decline the best or only possible means of ascertaining their own alleged improvements, or verifying their own complaints!

The distinction between plantation and personal

Slaves made in the Order of Council for Trinidad, and followed in the Bill brought into Parliament by Mr. Wilberforce, was calculated not merely to produce the important statistical information which the Assemblies thus exclude, but to expedite the registration; to render frauds more difficult; and to facilitate future researches and investigations, as to the numbers legally belonging to every planter's estate. It tended much to expedite the formation of the original records, and their continuation by the periodical returns; because, by means of this distinction, two original books, and two series of books, instead of one, might receive entries at the same time; an end which could not be attained by allowing a plurality of books for the same descriptions of Slaves, without materially lessening the security anxiously provided against fraudulent interpolations in, or surreptitious additions to, these records. The importance of this consideration will be felt, when it is stated that the personal Slaves every where form no inconsiderable part of the Black population. In Trinidad, if your Committee are not misinformed, they will be found to amount to one-third part, or more, of an entire registration of nearly twenty-six thousand Slaves; while the returns in respect of such Slaves, greatly outnumber those of the Planters, as must be the case more or less in every colony.

But it was a still more important object of distinguishing the plantation Slaves, that thereby the

entire gang, or human stock, on every plantation in the colony, might be registered collectively, under the proper name of the plantation itself, in the same page or consecutive pages of the book, without intermixture with other Slaves belonging to the same proprietor, or included in the same return; and that this clear collocation might be continued in the same way in the entries of subsequent periodical returns of the additions or decrease in the gang; so that the registry might at all times exhibit in one view, by turning to the name of a particular plantation, the legitimate number, and description of its Slaves then in being. Accordingly, in the directions for preparing the books before alluded to, it was required that there should be left at the top of each folio, a space for the name of the particular plantation whose Slaves were registered therein, which name should be always there written in large and distinct letters. With the same view it was required that the returns of plantation Slaves should specify the name by which the plantation is usually called or known, and the parish or division of the island in which it is situated, and the name of the present owner or party in possession; and that when the property or possession should have been changed within seven years, the name also of the last owner or possessor should be given;—precautions obviously calculated to identify more clearly and permanently the particular estate to which the Slaves are attached.

In the Colonial Register Acts no such distinctions

or regulations, nor any substitutes for them founded on the same principle, are to be found. The only exception is the Act of Tobago, which, in this and most other respects, conforms to the Order in Council for Trinidad. In the rest, these important regulations are even expressly excluded: for the Registrars are directed to make their entries in the same form with the returns; and for these a form is prescribed, by way of schedule, containing none of those particulars, nor any title or heading beyond the mere name of "the owner or possessor," except that in two or three of the colonies the name of the estate is added*.

In order to appreciate the magnitude of this ge-

* In the schedule to the *Demerary* Act, the title of the return is thus set forth: "A list of the Slaves belonging to (or in the lawful possession of) A. B." In that of *St. Christopher* and the other Leeward Islands, there is no title or heading; but in the margin is to be inserted the name and description of the party making the return, as "A. B. proprietor, or G. H. executor, of J. K., &c." In the *Grenada* Act, it is directed that the return shall specify "the names of the estates, if any, on which the Slaves included in it are actually worked;" but this Act, like the rest, requires no distinct lists, or separate register books, of plantation and personal Slaves, and directs each list to comprise all the Slaves belonging to, or in the lawful possession of, *the party by whom it is returned*. The *Grenada* Act therefore is only less exceptionable in this point, than those of most other colonies, in so far, that it may supply possible means of discovering, by a very troublesome and difficult investigation, what proportion of the Slaves in the registry belonged to any plantation, having a proper name, besides that of its owner, whereby it may have been designated in his return; whereas the registries under the other Acts will neither make this discrimination, nor supply any data from which it can possibly hereafter be made.

heral defect, it is necessary to take a practical view of its consequences—first, to those proprietors of plantations who obey the law, and next to Negroes unlawfully held in slavery by those who violate or evade it.

From the fair proprietor it will take away the means of proving satisfactorily to a purchaser of his estate and Slaves, or to a person willing to lend him money upon mortgage, that the Negroes proposed to be conveyed, are his lawful property, and such as he can make a good title to, consistently with the Register Acts. A search in the registry, or an extract certified by the Registrar, may shew perhaps in 1830, that in 1818 a certain number of Negroes, 300 for instance, was returned and registered as belonging to, or in the lawful possession of, A. B.; and it may perhaps be made out by deeds, or by other evidence, that A. B. in 1818 was owner of, or trustee, or mortgagee in possession of the plantation called Orange Grove, in St. Christopher, proposed to be mortgaged or sold, and that there were then 100 Slaves belonging to that plantation. But how is it to be shewn that the Slaves belonging to it in 1830—*e. g.* 110 in number—are the remainder and subsequent lawful increase of that gang? How is their identity, or their genealogy, or their progressive correspondence, even in point of numbers, with that gang, to be traced in the registry, through the subsequent periodical returns? The index will refer only to the Slaves *owned* or *possessed* twelve years before by A. B. But before the next periodical return in

1821, A. B. may have died, or relinquished his trusts, or assigned his mortgages, or some of them, or quitted the colony ; or he may have bought or acquired the legal possession of other plantations therein, or other personal Slaves. No further returns therefore may be found registered in his name ; or his next returns may be found to have been of 50 Slaves, or, on the contrary, of 500, or more ; and after that, his name may no longer be found in the index. Orange Grove may, in the mean time, have passed by sale, mortgage, inheritance, or assignment, successively to C. D., E. F., and G. H. or to a plurality of trustees, holding respectively other estates and Slaves, subsequently blended with those of Orange Grove in their respective returns, in the same indiscriminate way. To make out therefore that the increase or decrease of Slaves on Orange Grove corresponds, or is consistent, with the registered returns, of its successive owners or possessors, it would be necessary to trace back all the progressive changes of property and of possession, not only of that plantation, but of every other, and also of all personal Slaves that had, since the original registration, been owned or possessed by A. B., or by C. D. or E. F., or any other of A. B.'s successors in the possession of that estate. But the Registrar's books will contain no reference from any one of these returns to any of the rest. The changes of property or possession therefore, and the identity of the Slaves in question, will in no wise appear, or be possibly deducible, from those official records, but

must depend for their evidence on parole testimony, or upon private deeds or documents, a small part of which only will follow the possession of, or title to, the Orange Grove estate.

The difficulties would not even end here. But without any further enumeration of them, it will be manifest that either the main pillar of the system must be plucked away, and its whole executory principle renounced, by absolving planters from the necessity of shewing to future purchasers and mortgagees a registered title to their Slaves; or else this single defect must be to them an intolerable evil, as producing a virtual incapacity to alienate their property, or raise money on their estates.

To Negroes wrongfully held in slavery, the same defect must be fatal.

Such is their helpless situation, and such their extreme difficulties in asserting their rights against a master *de facto*, that to give them any tolerable chance of relief from the provisions of the Register Act, their title to it ought to be deducible in the easiest and clearest way. This facility, the regulations of the Trinidad Registry have given to them, or their protectors, as completely as the case allowed. On the complaint of a Negro named Thomas Anderson, or John Thompson, held in wrongful slavery on the Fountain Plantation there, nothing more would be necessary than to search in the registry for the Fountain Plantation returns. If the name Thomas Anderson, or John Thompson, with personal

and other descriptions corresponding with those of the complainant, was not found in the books, his title to freedom by non-registration would be established. If the name was found, a further search in the same registry (which its prescribed indexes, and the references directed to be entered in the books, must make extremely easy) would furnish, in dates and numbers, and other particulars, the means of detecting any fraud by which the name and description might have been surreptitiously inserted.

But what hope could there be of ascertaining such oppressions by searches in books, in which the Slaves of the same plantation are not distinguished from the other Slaves of the same owner or possessor, much less referred to in the index by the proper and permanent name of the plantation itself; but in which they must be identified, if at all, only by such a complex and laborious investigation as has been already described? Before it could appear to any court or magistrate, or to the satisfaction of any patron of the injured party, that there was a defect of registration, so as to make a prosecution advisable or safe, it would be necessary to discover the names of all the proprietors or lawful possessors of Slaves by whom the plantation had ever been held, at or since the time of the original returns; and afterwards to examine every list of Negroes registered under any of those names, so as to ascertain that no Slave answering the description of the complainant, had ever been returned. Such difficulties would

hardly be supportable in any case, even if the registered personal descriptions of the Slaves were as particular as they are required to be in Trinidad: and they would become progressively more and more formidable by lapse of time; whereas, the regulations of the Order in Council for that island are calculated to make the test of due registration the more certain, and the more easily applicable, the longer the system is in use.

But the Colonial Acts have also departed very widely from the precedent, as to the personal descriptions of the Slaves required to be returned and registered, and this in a way still more effectually to frustrate the main objects of the plan.

The Order in Council directed that the Slaves should be individually described in eight different particulars; viz., NAME, SURNAME, COLOUR, EMPLOYMENT, AGE, STATURE, COUNTRY, and COUNTRY MARKS; and, in the case of families of Slaves belonging to the same proprietor, a *ninth* particular was to be added, under the title of "RELATIONS," specifying the relation in which the Slave stood to the principal member of the family, called "the superior Relation," under whose name, all such family Slaves were to be ranged in the returns.

The last particular is plainly of great importance to the identification of Creole Slaves, (which all future lawful additions to the existing stock in the British islands collectively must be); and by shewing the genealogies of Slaves born on the plan-

tations, it would tend powerfully at once to fortify a real, and overthrow a fraudulent title. Yet every Colonial Register Act has omitted this descriptive particular altogether! Even the Act of Tobago here forms no exception.

Another omission, nearly allied to it, and equally universal, is that of **SURNAMES**.

Negroes in the colonies are usually known only by a single name; and this is often common to a number of individuals of the same colony, and to several even on the same estate, or owned by the same proprietor; but in the latter cases, a surname, or other distinctive appellation, is commonly added for the sake of the master's convenience.

To give every Slave a surname, would manifestly be a considerable and necessary advance towards accurate discrimination in the Registry, and would afford the means of convenient research.

The Order in Council, therefore, directed, that when the Slave had been called or known by any surname, it should be inserted in the returns and Registry; and when not, that a surname should be given for that purpose; which in the case of families of Slaves, should be taken from the name of the superior relation; and, in other cases, the choice was left in the first instance to the master's discretion; but the registered surname was ever after to be that by which the Slave and his issue and descendants should be called.

No good reason for rejecting this regulation can be imagined. Independently of its obvious utility

to the purposes of the Registry, it may, without too much refinement, be remarked, that such an assimilation to the manner of designating the labouring poor in Europe, would have some little tendency to lessen the extreme contempt in which the Slaves are held.

It is undeniable at least, that the want of family names must tend greatly to increase the difficulties of proving genealogies, on which titles to Slaves in the colonies must henceforth depend: and that the obscurities, uncertainties, and perplexities in the Register Books, produced by other deviations from the Trinidad precedent, must be aggravated materially by this.

The defect is further enhanced by its manifest incompatibility with the formation of any useful general index of the names of the Slaves contained in the Registry, another branch of the regulations of the Order in Council for Trinidad. It would be obviously inconsistent with that facility of research, in order to ascertain the registration or non-registration of individual Negroes, which is the object of such an index, if the entries in it were only of a single name, which must often be common to a great number, perhaps some hundreds, of different Slaves in the same island. Other defects in the Colonial Register Acts, have rendered this last consideration, it may be thought, of little present importance; for not one of the Acts has, to our apprehension, directed any such general index to be made. If the system is to go on, such omissions must be retrieved; and yet it

is a melancholy consequence of insufficiencies in the matter of the returns, that there seems to be no possible remedy for them, but a new general Registration.

The Act of the Bahama islands exceeds the rest in defectiveness, as to this particular, more in appearance than reality, by dispensing with names altogether, and requiring only numerical returns. It is to be observed, however, that the Legislature of that Colony did not profess to adopt the system of a Slave Registry by its Census Act, but, on the contrary, expressly refused to do so.

Another of the particulars required by the Order of Council to be specified in the personal description of Slaves, is, with the same observable uniformity of conduct, omitted by all the Assemblies, namely, the STATURE.

An obvious expedient for evading these laws in future periodical returns, is that of registering Slaves illicitly added to the gang of a plantation, by the names of Slaves who may have died, or been removed, since the last return. It has been credibly asserted, that by frauds of this kind, captured and apprenticed Negroes have been deprived of their freedom, the masters having given out that they had died, and added them to their gangs under the names of Slaves actually dead. If it be doubted whether such contrivances have been ever practised, their practicability, at least, cannot be a subject of dispute; and therefore, all convenient precautions against them ought to be provided. The describing of Slaves in

the returns by their stature, is a most unobjectionable precaution for this purpose. The trouble of their actual measurature previous to the original returns, cannot be great ; and, in the case of full grown Negroes, need never be repeated. It would hardly require the expense of two hours time, on the largest plantation, to obtain accurate descriptions of this kind : and, in the future periodical returns, the trouble would be much less ; as the Negroes lawfully added to the gang since the last return, and those which had not then attained their full growth, would be the only subjects of the process.

No reason has been any where given, to your Committee's knowledge, for this general omission. The Assemblies will probably deny the necessity of this precaution, as they formerly denied that of any Registry whatever. But if the plan is to be adopted, all convenient security against frauds is quite essential to it ; and it must be admitted that fraudulent substitutions would be far more difficult, if a newly imported Negro must agree, in this leading and obvious point of personal description, with the deceased Slave by whose name he is to be returned.

His Majesty's Government justly thought, that not only this, but further security should be provided against so pernicious and easy an evasion of the law, and therefore the Order in Council, under the title of " MARKS," directed that in the *eighth* division of the returns should be inserted, " Whether the Slave " has any, and what *seams*, or marks, on the face or

"other parts of the body, such as *African Slaves*
 "commonly have, and which are usually called
 "*Country Marks*," or any such brands or marks
 "as are used in some of the colonies, for distin-
 "guishing the owner's property, or has any apparent
 "bodily singularity, defect, or deformity; all which
 "shall be specified with convenient certainty, so as
 "at least to mention the part of the face or body
 "wherein the marks, brands, defects, or other sin-
 "gularity appears."

Your Committee have thought it right here to cite the very terms of the Order in Council, as adopted in the Bill brought into Parliament by Mr. Wilberforce; because this part of its provisions has not only been rejected by the Assemblies in general, but has been made a topic of misrepresentation and abuse by some of their advocates in England. They have affected to consider the requisition as demanding the exposure of those parts of the bodies of female, as well as male, Slaves of which decency will not permit the inspection.

If such had been the real effect of the provision, the objection would have come with an ill grace from a colonial pen; as all who are well informed of the ordinary violations of decency in the treatment of Slaves, both in respect of their clothing, and modes of punishment, will feel. But the most uncandid hostility alone could represent the passage that has been cited to have had any such objectionable meaning. The marks being described to be such as African Slaves commonly have, or brands to distinguish

the master's property, no fair doubt could arise whether any bodily peculiarities that decency ought to conceal were included. Both these descriptions of marks are always upon parts of the body conspicuous to public view; the former being meant as decorations, the latter as visible badges of ownership, by which fugitives may be known.

Accordingly this regulation produced no difficulty, and was encountered by no objections at Trinidad, where it was carried into practice. The marks of above twenty-five thousand Slaves were there duly registered, and no offence against decency or delicacy has been found to attend the specification.

The Colonial Legislatures, however, have all, with two exceptions, rejected this branch of the personal descriptions altogether. The Grenada Act alone has required the *marks* generally to be set forth in the returns. But a single conformity like this to a precedent, which was in other respects widely departed from by the same Legislature, is enough to shew the unfairness of those opponents of the Register Bill, who added to their other clamours against the measure the idle objection of indecency in this part of its provisions*.

Whether the other Assemblies have adopted the pretext here noticed as a reason for not requiring the specification of marks, or on what other ground they have rejected such convenient and obvious means of identification, your Committee is unable to state.

* The last Act of Berbice has substituted the terms "*conspicuous NATURAL marks*," adding, "which may serve to distinguish such Slave from others."

Their reasons for deviating in this and various important points from the precedent they have in many other respects literally adopted, are not set forth in the parliamentary papers, nor in any other documents to which your Committee can have recourse. In the case of *Jamaica*, the dislike to the use of marks for the highly important purposes of the Registry, it is peculiarly difficult to explain in any satisfactory way; because, by the general practice of that island, Slaves are branded in the face, or other conspicuous parts of their bodies, in order to identify their persons, as a safeguard of the owner's property. When they desert, they are advertised, as almost every *Jamaica* newspaper may shew, by these marks; when apprehended by the police, the keepers of workhouses, or gaol-keepers, are required to publish in the newspapers of the island not only their names, and sex, and country, but also their "HEIGHT" and "MARKS*", as notice to the master; and what is stronger still, the laws of the island anxiously preserve these necessary evidences of ownership, by punishing capitally those who alter or deface them †. Yet when the object is effectually to exclude the Slave Trade, and to prevent unlawful slavery, by the identification of those who are the legitimate subjects of that state, the same legislature rejects its own criteria of marks and stature, as if they were descriptive particulars evidently redundant and useless!!!

* See the *Jamaica Slave Act*, of 14th December, 1809, § 54.

† *Act of 11th December, 1798*, § 2.

The general result of these observations is, that of nine descriptive particulars, required to be specified for the purpose of identification, and the prevention of frauds, by the Order in Council, and the Bill brought in by Mr. Wilberforce, the Acts of Assembly have all rejected *four* at least, and for the most part *five*; and have retained only those which are the most general, and therefore of the smallest utility. Surnames, stature, parentage or other family relations; and marks also, with the exceptions already noticed, are, with a striking uniformity, rejected;—while the *single* appellation, common to thousands; the country, which is still more comprehensive; the colour, one shade of which comprises above nine-tenths of all the Slaves in the colonies; and the usual employment, which, in regard to Field Negroes, the great subjects of imported slavery, is scarcely any distinction at all; are, with a uniformity equally remarkable, retained. The latter particulars were, indeed, in their connection with the former, of importance, by multiplying the difficulties of fraudulent substitutions; but, when the more particular descriptions are omitted, and the more general ones only set forth, the latter become manifestly of very little, if any, value.

The Assemblies, nevertheless, have virtually admitted, in this instance, the necessity of means which they do not provide. If a numerical census only had been intended, they have required too much, in the specification of names, and the other particulars of individual description, in which the precedent has

been followed. They must be understood, therefore, as admitting the duty of providing for the further objects of the Register Bill; viz. the prevention of unlawful slavery, and the better insuring of the effect of the Abolition Acts. But here the practice falls short of the principle, as well as of the precedent: the personal descriptions, though needlessly particular for a census, are far too general for identifying the legitimate Slaves, and preventing a fraudulent increase of their numbers.

The *remedial provisions* of these acts belong to the last division of the subject. But it is proper here to remark, that there is one essential difference, between them and those of the Order in Council for Trinidad, which makes the great inadequacy of description, pointed out in the returns, a refuge for offenders against the Abolition Laws; and frustrates the registration in its leading object, the deliverance of persons unlawfully enslaved.

The expedient chiefly relied upon, in the Order in Council, for at once securing obedience to its positive requisitions, and releasing freemen from a slavery wrongfully imposed, was to lay the *onus probandi*, as to due registration, upon the party who best could, and ought to sustain it; namely, the master. It was enacted, that, in all judicial proceedings, whether for the recovery of Slaves as property between free persons, or on the question of slave or free, the master or claimant should, in the first place, be bound to shew, that the Slaves in question had been duly registered as such.

If the Assemblies had adopted this provision, a sufficient particularity of description in the returns would, without doubt, have been also adopted, for the master's sake; in order that he might the more easily and certainly ascertain, and give in evidence, his registered title.

But they have all rejected this important part of the precedent, as will be hereafter more fully shewn. They have left the non-registration to be made out against the master, instead of obliging him to shew his own compliance with the law. The effect, therefore, of a vague generality of description is, that the remedies against him, in cases of unlawful slavery, will be rendered much more precarious and difficult.

Several also of the regulations and directions of the Order in Council, and of the Bill, which were calculated for the better authentication of the returns, and of the register books; and for subjecting the Registrar to a stricter responsibility for the fulness and accuracy of the records in his keeping, and of the duplicates or copies to be transmitted by him, are widely and dangerously departed from in the Colonial Acts.

To point out all these variations, in detail, would be to extend too far the necessary length of this Report: your Committee, therefore, will only specify one or two of them, which are among the most important.

Under the Order in Council and the Bill, the returns were all to be made upon oath to the Registrar himself, or to persons by him officially deputed for the purpose of receiving them. Consequently there was

a single and entire official responsibility for their authenticity and careful enrolment. But several of the Acts of Assembly have allowed the returns to be made to Justices of Peace, or other persons having no official connection with the Registry. The Act of *Jamaica* is still more lax and improvident; for it directs the returns, sworn before any judge, or justice of the peace, to be rendered to the clerk of the vestry of the parish where such Slaves “*shall be considered to be most permanently settled, worked, or employed*”—after which they are to be copied by the vestry clerk; and the copies are to be transmitted by him to the office of the Secretary of the island; who is to record them in a book, or books, “*in the manner that other instruments are there recorded and kept*;” and he is afterwards to transmit the copies, received by him from the vestry clerks, to the office of the Secretary of the Governor for the time being, to be, by the Governor, transmitted to the Secretary of State for the Colonial Department in England.

Here, therefore, we have four descriptions of public officers, besides the Governor, through whose hands, successively, these important records must pass, before their transmission to the Registry in England; and, if errors or omissions are found in them, it will be uncertain by whose default they have arisen, and who ought to be responsible. The vestry clerks are not directed to keep any books; yet the original returns are to remain with them, and are

declared to be public records, " and to be under the " same protection from embezzlement, erasure, and " injury, as the records in the Secretary's office are " by law protected ; besides which, if such injury " shall arise from the negligence or misconduct of " the clerk of the vestry," he shall incur a penalty of five hundred pounds, and be incapable of holding his office.

What the security or protection from injury, in point of fact, can be of these multitudinous loose paper-lists, left in the offices of twenty-one different vestry clerks, in a climate where nothing but the greatest care can preserve even the best bound close books, from being speedily destroyed by insects and other causes, it is not easy to conceive. To fix a vestry clerk with negligence or misconduct in their non-preservation, must be regarded as at least sufficiently hard.

The carelessness with which such papers have been kept by the vestries is notorious, and has been brought forward, by the Jamaica Assembly itself, to account for the defectiveness and apparent inconsistency of its own statements, founded on the poll tax parochial returns.

As to the Secretary's books, no authentication of them whatever is prescribed, much less any of those anxious precautions, contained in the Order in Council, for continuing a succession of pages, and of books, duly authenticated, and connected by references with each other, so as to prevent interpola-

tions, alterations, or other frauds. He is only directed to keep them in a book, or books, in the manner that "other instruments are there recorded and kept." What manner this is, does not appear; but we may with certainty conclude, from the nature of the case, that it cannot be in any such way as the Registrar's books of Trinidad are directed to be kept; or in any manner at all adequate to the security of property and freedom: much less in a way consistent with convenience of research, in a Registry of three hundred and forty-five thousand slaves.

A penalty of 500*l.* is in a vague manner imposed on the Secretary, "*if he does not finish the work required of him in due time;*" and this is the sole provision for securing accuracy or fidelity in his department, though the only specious substitute for a Slave Registry in Jamaica is the book, or books, which he is directed to keep. Forfeiture of office, or incapacity to hold it, is not annexed to any misconduct on his part, however gross. But this defect may be said necessarily to grow out of the greater one already noticed; namely, that his office as Registrar is not created by the Act, or endowed by it with any salary; and that these new and most momentous functions are cast upon him as a patent officer, already overloaded with important public duties of various kinds.

The Secretary of the island is not even required to keep a copy of the documents received from the vestries, from which his books of registration

are to be compiled; and the documents themselves are to be transmitted to England. Consequently, in the case of any error in, or sophistication of, his records, or any accidental destruction or mutilation of them, a defect so perilous to liberty and property, or so subversive perhaps of the whole system, could only be supplied by requiring all the vestry clerks in the island to go through their undigested masses of paper returns, if still extant, and to make out from them, if they can, a new general return to the Secretary's office.

These defects indeed may appear of little moment, when it is considered how impossible it is that such a Registry, however carefully conducted, should answer any of the great ends for which the system is designed. It may with certainty be foreseen, that from the want of method and arrangement alone, the Registry of Jamaica would soon become an intolerable public nuisance, if researches in it were necessary to the investigation of titles on every change of property in Slaves. But the Act must soon be repealed; unless suffered to be a dead letter, as former Acts of that island, requiring annual returns of Slaves to and from the vestries, have confessedly been.

As the case of this great island deserves particular attention, it may be proper to enlarge a little further on this part of our subject.

In order to facilitate searches, and ascertain registered titles in a colony containing three hundred and

forty-five thousand Slaves, and perhaps ten thousand proprietors, it would be necessary not only to adopt all the methodical arrangements and indexes of the Trinidad office, but to add to them local divisions; assigning to each, if not a separate office and Registrar, at least a distinct series of books.

The most eligible course was to have a plurality of Registries; and, for this purpose, to divide the island into different districts. The Bill brought into Parliament by Mr. Wilberforce had, accordingly, provisions authorizing such a division.

The best local distribution, perhaps, would have been that of the three different counties; but whether these or more divisions were thought desirable, each should obviously not only have had its separate returns, but its separate Registry also; and each Registry should have borne the same relation to the rest, as to those of different colonies; the Slaves being, in like manner, transferred from the one to the other, by certificates, on any change of domicil.

The plantation Slaves, in that case, would, of course, have been registered in the division in which the plantation they belonged to was situated; or, if the plantation extended into two divisions, the seat of the works, or homestall, might have determined their place of Registry; or, it might have been left to the option of the master. As to *personal* Slaves, the master's ordinary place of residence would naturally have been the criterion; or, in case of more residences than one in different divisions, he might have

been allowed to return them at his option in either. A return in the other Registry that such option had been made, as in similar cases under our assessed tax acts, would have prevented any inconvenience from such a right of election.

Nor would such regulations as these be at all inconsistent with the convenience of future research.

To determine whether A. B. is a registered Slave belonging to the Orange Grove plantation, it would be necessary to search only in the Registry of the division in which Orange Grove is situated. To determine whether he is a registered personal Slave of C. D. it would be necessary only to search in that Registry in which C. D. made his returns; and, if this fact was ambiguous, on account of C. D. having two domicils, or occasional residences, a search in the index of the Registry of one of the divisions, would be all that could be added to the task. Much more would obviously be gained in point of convenience, by reducing the bulk of these records, and the numbers of names of plantations and owners in the indexes of returns, and, by a like reduction in a general index of the names of Slaves, than would be lost by a plurality of Registries.

Instead of this, the Act of Jamaica imposes and multiplies every inconvenience of a divided Registry, without giving in return any of the facilities, arising from a diminution of its bulk; for every one of the twenty-one parochial vestries that the island contains is made, in effect, a distinct register office, for the

purposes, at least, of receiving and keeping the returns; and the latter are declared to be *records*; the transcripts only of which are to be sent to the Secretary's office. But no books are directed to be kept by the vestries; nor even any index, or calendar of the returns respectively received by them. A general copy only of all the multitudinous lists of Slaves returned in each parish, is directed to be sent to the Secretary's office, without any prescribed order or arrangement, or any list of defaulters, or other notification whatever, except that there is to be sent an alphabet of the names "*of the persons for whom the return is intended*, and on the back of such return the vestry clerk is to state for *what parish*, *and for what year*, it is made."

The returns of twenty-one different parishes are thus to be cast promiscuously into a single office, loaded with other business, and there copied under so many parochial titles. In what order they are to be taken is not prescribed: it will probably be, therefore, as they happen to come to hand; or in whatever other order the Secretary may think fit. As to indexes to the Secretary's Register-books, none whatever are directed to be made; not even of the names of the proprietors or the estates, much less of those of the Slaves. It may be designed, perhaps, that the "*alphabet of names*," or alphabetical list of the persons for whom the "returns are intended," which the vestry clerks are to annex to their returns, shall be transcribed by the Secretary in his books: but, if so, they can serve

scarcely any one of the purposes of an index ; since the vestry clerks cannot anticipate in what book in the Secretary's office, or in what folios of that book, each return will be entered.

Let it be supposed, however, that the Secretary, out of zeal for his new gratuitous duties, overwhelming as they are, should perform a work of supererogation, by adding to the "alphabet of names" references to the books and pages, in which he transcribes the respective returns. In this case, it might hereafter be found whether any returns were made for the original, or any subsequent periodical registration of Slaves, by or on behalf of C. D., the alleged owner at that time of A. B. whose slavery is in question, without turning over the leaves of fifty or sixty large folio volumes. Still, however, in order to see whether A. B. was included in those returns, they must be searched for in every alphabet of names, annexed to every parochial list of the vestry clerks, for each of the twenty-one different parishes of Jamaica : and every return found under C. D.'s name must be successively examined.

If we should ascribe even to the Secretary so much more gratuitous industry as would be necessary to compile a general index, from the whole twenty-one "alphabets of names," still it would be necessary to refer from such a document to the books ; and to search through them for all the different parochial returns, in which the same owner's; or possessor's, name occurred ; for, it should be observed, that the

Jamaica Legislature has so anxiously placed its parish vestries between the insular Registry and the Slave proprietors, as neither to require nor permit the returns of the latter to be made directly to the Registry in the Secretary's office; but to ordain that the Slaves, by whomsoever owned, shall be returned to the vestry clerk of the parish where they "*shall be considered to be most permanently settled, worked, or employed.*"

It follows, therefore, that the same owner, as well as different owners of the same name (a case likely often to occur in so large a colony) may have made a plurality of returns in different parishes; all of which must, of course, be examined, before the non-registration of any Negro held in slavery in Jamaica can be legally ascertained.

It does not appear, either by express words or any clear implication in the Act, that it is to be at the master's peril, so as to invalidate his title, if he should make his return in the wrong parish. If it were, the loose wording, here cited, would be dangerous to *him*; but this looseness plainly aggravates the difficulty of proving his default. One man may "*consider* his personal Slaves to be settled" where he himself is domiciled; another in the place where they have their huts, or live with their families; a third in the place in which he most commonly employs them, or hires them out to work for others. In respect of task-work gangs, which are common in Jamaica, the Slaves may not improbably work, for-

years or life, in a different parish from that of their owner's domicil. Taking the words to imply, as they seem to do, that a Slave may be most permanently *settled* in one parish, though most permanently *worked* or *employed* in another; the master seems to have the option of returning him in which he pleases. This latitude may even be considered as extending to plantation Slaves. It would, however, be of little moment, as the Act stands, if Slaves belonging to a plantation were always returned where it lies; for no means are provided of distinguishing, by the books or returns, Slaves of that description from the rest.

It is a most observable fact, that Jamaica has not only rejected the separate registration of plantation and personal Slaves (a division that would have somewhat mitigated the inconveniences of a single Registry for its large slave population) but has not, like Grenada, required the returns to name the plantation whose Slaves they include; nor even to specify the *ordinary employment* or *occupation* of the individuals returned.

This latter particular of the personal descriptions required by the Order in Council for Trinidad, has been thought necessary or proper by the Assemblies of most of the other colonies; and, consequently, their Registries, though they do not separate the Plantation Slaves from the rest, may supply some data tending to furnish the means of such a general distinction: for Slaves described as employed in agriculture, in the return of C. D. a planter, will be

reasonably understood as belonging to the estate, or estates, in his possession ; and be searched for in the parish or parishes within which it or they lie.

But, in Jamaica, all such means of discrimination are withheld. All Slaves belonging to, or possessed by, the same returning party, and settled or employed in the same parish, are to be returned promiscuously together ; and the individual descriptions are to comprise neither surnames, nor marks, nor stature, nor usual employment.

Your Committee has already noticed, but cannot refrain from more particularly adverting to some circumstances, which make this want of discrimination as to plantation Slaves in Jamaica, and also the reliance placed on the parochial vestries, particularly striking.

The Legislature of that island formerly shewed great anxiety to obtain annual returns of the increase and decrease of Slaves on the plantations. By its meliorating or consolidation Slave Act of 1788, the owner, overseer, or manager of every plantation in the island, and also the doctor and surgeon, were directed, under penalties, to make such returns on oath, at the end of every year, to the parochial vestries ; and, in order to encourage the breeding and preservation of Slaves, a premium of twenty shillings per head was given on every Slave born on the plantation within the year, and living at the end of it, to be determined by those returns*. In 1792,

* See the Act in the Privy-Council Report on the Slave Trade.

a new consolidation law was passed, with amendments, by which the premium was extended to 3*l.* per head, but the decrease by mortality was directed first to be deducted from the numbers added by births. A further encouragement was also given by exempting from the poll tax on Slaves every Female Slave having six children living; and this subject of privilege, like the rest, was to be returned to, and certified by, the parish vestries *.

These salutary provisions, though much boasted of at the time by the advocates of the colonies in this country, afterwards appeared to have been generally, if not universally, quite neglected in practice; so that when returns were required from the Governor of Jamaica of the increase and decrease on the plantations during three years precedent to 1799, in consequence of an Address of the House of Commons to his Majesty, of the 11th July in that year, the Governor and Council were obliged to return for answer, that no such information was attainable †. The Governor lost a year in vain solicitations to the parochial magistrates and vestries to supply the defect; and some of these obtained voluntary assistance from individual planters, who made special returns for the purpose; but others contumaciously refused, and their refusal was

* See the Act printed in Mr. Edwards's History of the West Indies, §. 33 to 36.

† Papers printed by order of the House of Commons, of June 1804. Title, *Jamaica*, p. 53, G.

thought by the vestry clerks, magistrates, and council, an invincible obstacle to their compliance with the requisition, and a sufficient excuse on their part to his Majesty and Parliament*. That they possessed a recent positive law, which ought to have been obeyed or enforced, seems, from the official correspondence, to have been wholly overlooked on all sides; so completely had those specious provisions, of the first and second meliorating Acts, passed into neglect and oblivion.

Now your Committee cannot but observe, first, how extraordinary and inconsistent it appears, that the Legislature of Jamaica, having manifested in 1788, and again in 1792, such a natural and laudable anxiety to obtain correct periodical accounts of the natural increase or decrease of the *Plantation Slaves* on every particular estate, and this, for very important purposes, moral as well as political, should in 1816 depart from a precedent to which it was in many other points conforming, in order to shut out this once much desired and highly interesting information:

Even in a cold statistical view its interest had obviously been much enhanced by that great revolution in the colonial system, the cessation of the Slave Trade. But, as furnishing the necessary means of promoting, by bounties and otherwise, the native increase and preservation of agricultural Slaves, the

* Papers printed by order of the House of Commons, of June 1804. Title, *Jamaica*, especially pp. 16, 17, 18, 22, 46—50, G.

importance of such periodical accounts was, by the same event, very greatly increased. To the mere political economist, as well as to the philanthropist, the progress of this main branch of the servile population was become more than ever a subject of the most anxious concern. How happens it, then, that the same Legislature, which thought the increase or decrease of Slaves on each plantation worthy of a special census, while the foreign slave market was open, now refuses at all to distinguish plantation Slaves from others in its general census, though precedent points out, and convenience strongly pleads for, such a discrimination?

Secondly.—It seems not less strange, that the same machinery which confessedly failed in the former instances, should be employed again in the present. The returns required by the consolidation acts to be made to the vestries, were not made. The pecuniary penalties imposed for defaults, were never recovered, or sued for. The vestries, and vestry clerks, tacitly acquiesced in the general contumacy or neglect. Yet, to the same parochial officers and bodies, are now committed the duties of receiving and keeping the returns, and of preparing and transmitting to the Secretary, as Registrar of Slaves, the documents which are to form the drafts of his highly important records. The same impotent sanctions also are again relied upon for enforcing regular returns to the vestry clerks; that is to say, pecuniary penalties alone!!

If your Committee were not afraid of seeming to exceed its province, further considerations might be adduced to shew the pre-eminent importance of a correct registration in Jamaica; and the peculiar obligations that were imposed upon its interior Legislature to provide effectual means for that purpose.

The former indeed must be obvious, to all who consider the great extent of the island, its position in respect of foreign colonies engaged in the Slave Trade, and that its Slaves are by the latest accounts upwards of 345,000 in number; being, probably, equal to a moiety of the whole slave population of the British colonies.

The duty of the Jamaica Legislature in this respect is admitted even by itself, as what has been already remarked may suffice to shew. But a full review of its own Reports on the Register Bill would make the force and urgency of this duty still more manifest. Your Committee, however, will only refer in general to the controversy between the friends of the Register Bill on the one side, and the Assembly and its agent on the other, respecting the progress of the black population; as evidenced by the poll-tax returns in that island.

Whatever inferences may be drawn, by men of different opinions, from a comparison of those annual returns; and whatever may be thought of the conduct of the Assembly, in the strangely erroneous commentary upon them, contained in its Report of

December 1815, in opposition to the Register Bill; two points are clear, and were mutually agreed on both sides: first, that accurate periodical accounts of the increase and decrease of Slaves would furnish *data* of high importance; and secondly, that no such *data* had ever been obtained, up to the date of that Report.

The Assembly, in admitting that the poll-tax returns were defective, still thought it very important to reason from them, in defence both of the humanity of the planters, and of their obedience to the Abolition laws*. How much then did it concern the credit of the Colony, and the satisfaction of Parliament, and the moral feelings of the British people, that such data should be furnished with certainty and accuracy hereafter!

Their defectiveness, however, now turns out to have been much greater than the Assembly then stated; so great, indeed, as entirely to annul the defence that was founded upon them. "The returns," said the Report, "have not the accuracy of an actual census, and shew a number *somewhat* under the truth;" but, it added, "the same description of errors has always pervaded them, and they are sufficiently accurate for comparing different periods †." An exception is then made of three

* See the Report of December 20, 1815, on the Register Bill, as printed and presented to Parliament, from page 30 to p. 32.

† Same Report, p. 30. The word "*distant*" is printed, in-

particular years, 1809, 1810, and 1811; and a reason is assigned, which, in a reply by a Member of this Institution, was shewn to be evasive, and not founded in fact *. It was also shewn, that one of the annual returns, which the unfounded suggestion went to invalidate, gave a sudden and very large increase of Slaves, instead of the former progressive decrease; and this at a very suspicious period.

Your Committee will not now digress so far as fully to restate that argument, though invited to it by the additional force it has acquired; for the Assembly itself now shews, in a Report of December 1817, that the statement in question was groundless †, and resorts to a new explanation, which is neither consistent with its own former Report, nor with the explanations offered by its parliamentary advocates here; and which, even if it were true, would not at all remove the ground of that suspicion which the Assembly wished to repel ‡. But it manifests

stead of "*different*;" but the context shews it must be an error of the press.

* See Mr. Stephen's Letter to Mr. Wilberforce, in defence of the Register Bill.

† See it in the papers, No. IV. pp. 272 and 274.

‡ The new explanation in substance is, that the former Report gave the number of Slaves returned for taxation, and thereupon *originally* assessed; not the numbers actually taxed, after deducting the numbers over-assessed and relieved; and the latter are said to have amounted, in 1811 (the suspected year), to 10,813; whereas in 1809, there were only 6745; and in 1812, only 6789. This, without doubt, would account for above 3000 of the suspicious increase in 1811, if the cause of

more clearly, the singular and highly reprehensible want of any certain statistical information on this most

deduction had been, that the gross numbers exceeded, in those proportions, the Slaves *actually on the island*. But the grounds of deduction being exemptions, or allowances, claimed by the parties, either on the score of poverty, as the Reports seem to intimate, or such exemptions as the Poll-Tax Acts are said to allow, the explanation is quite foreign to the purpose. The difficulty to be explained was a sudden increase of the numbers *actually returned* by the owners, who could have no reason for charging themselves in the poll tax with near 11,000 Slaves more than they actually possessed ; or for doing themselves a greater wrong in this way in 1811, than in the preceding or following year.

Besides, the Assembly itself must have known, in December 1815, as well as in December 1817, the true nature and effect of these population accounts. Why then at the former period did it exhibit them, and found elaborate arguments upon them, leading to important moral and political conclusions, unless they really furnished in some degree a fair criterion of the progress or decline of their Slave population ?

True it is, their former Report did not hold out the tax rolls as containing an accurate account of all the Slaves in the island ; but the inaccuracy was spoken of in very tender terms in that Report, compared with those of the last. Then, it was said, "they shew a number *somewhat under* the truth :" now, "that the actual number *greatly exceeds* what appears on them." And this is represented as having always been quite notorious : but it was then said, and it is not now retracted, that the errors being "*always of the same kind, they were sufficiently accurate for comparing different periods.*" The whole of the Assembly's argument rested on the representation, that though they were not accurate, they were pretty equably somewhat below the true amount, and therefore served the purpose of comparison well enough. But it is plain, that if instead of the actual returns, or the gross assessments founded on them, the reduced assessments were to be taken, there could be no such

interesting and important of all colonial subjects. It results from the last Report, that the population accounts which were set forth and reasoned upon in the former Report, are wholly unworthy of confidequability; because we see that the deductions founded on reasons foreign to the actual change of numbers, fluctuated from 6600, to 10,000 in a single year. Besides, if the reduced assessment was taken for 1811, so of course it ought to have been for every other year of the fifteen that were compared together; whereas in all the rest, with the exception of 1810, the amounts of the gross returns were taken. There was a good reason for that exception, as there was no poll tax on Slaves in that year. But why was 1811 to be excepted, and taken at the reduced amount? The former Report, indeed, found a reason for it; but a reason that now turns out to have been untrue. We were desired "to put out of the question 1809, 1810, and 1811; because in two of these years there was no poll-tax." Means were found of disproving this; and now the Assembly reduces the assertion to one year, which is 1810; without, however, noticing, much less apologising, for its former strange misstatements.

It was certainly not very clear why, because the returns of *two* years were said to be wanting, *three* should be struck out of the list; and it is now still less evident why, because there is no tax-roll for 1810, that of 1811 should be taken at the reduced, instead of the gross assessment. Such, however, is the latest expedient for getting rid of the extraordinary returns of that year, and of the misrepresentation by which they were first explained.

In the review of this subject, it should never be forgotten that the Assembly, in December 1815, had it not in its choice wholly to suppress those population-returns, though it now discredits them. They had been, by the agent of the island, made a powerful use of, both with His Majesty's Government, and with the British public, being alleged to manifest the non-existence of contraband Slave Trade in Jamaica, as well as a progressive advance in its native population, and in the humane treatment of the Slaves.

dence; that they do not even furnish that approach to a comparative estimate of the increase or decrease at different periods, since the Abolition, which they were before alleged to supply; and that there are no possible means of tracing back, during the twelve years that have since elapsed, the progressive effects of that important commercial revolution, the Abolition of the Slave Trade, in the greatest of our sugar colonies.

The Directors may remember, that from the poll-tax returns, as set forth in the Assembly's Report of December, 1815, the Slaves then in that island were stated to be 313,814. According to the ratio of decrease in the two last preceding years, they must have been reduced in 1817, to about 310,000*. But the returns under the Register Act in that year, imperfect though they probably are, amount to 345,252†, being a difference of 35,252; or an addition of about one ninth part to the probable amount of the last poll-tax returns.

Your Committee will not stop to inquire whether the reasons now anxiously assigned by the Assembly for this great difference between the accounts it formerly exhibited, and the result of the returns made under the Register Act, are sufficient to pre-

* The Report does not furnish the poll-tax returns for 1816 or 1817; but from the pains it takes to guard against the suspicion of unlawful importations on account of the now discovered access of population, those returns would most probably have been given if they had tended to lessen its apparent magnitude.

† See the last Report, Papers, No. IV. p. 273.

clude the suspicion, which seems to be apprehended. But that the difference far exceeded any previous notions of that legislative body itself, may be fairly assumed from the language of its Report in December, 1815. When it then spoke of the Poll-Tax Returns, "*shewing a number somewhat under the "truth,"*" who can understand it as having in view a deficiency so enormous as a *ninth part of the whole slave population?* It would have been a perfect mockery in that case to reason, as it confidently did, from those returns to a progressive decrease of the loss by mortality, and to the absence of slave-trade. The Report triumphantly inferred, "That "mortality during seven years (which had elapsed "since the Abolition) had produced an average loss "of only 1430, on an average population of 318,820, "not quite one half per cent*." But how idle and preposterous would such an inference have been seen to be, had it been understood that the annual census was incorrect to a degree that might amount to no less than *eleven per cent.* on the entire population; or *twenty-two times the admitted decrease.* The whole loss, during the seven years, was demonstrated to be only about 10,013; but the inaccuracy of the data in a single year is now found to be above 35,000!!!— Such, as now confessedly appears, was the extravagant looseness of the premises on which the British Government and Parliament were taught four years ago to rely; not indeed as perfectly accurate, but

* Report of 1815, p. 30.

sufficiently so for the purpose of comparing different periods together, and evincing thereby the progressive improvement in the treatment of Slaves in Jamaica, as well as the absence of illicit importation !

Instead, however, of acknowledging the error in the former Report, and disclaiming the baseless reasoning contained in it, the Assembly would now treat the discovery made by the late returns as a matter of no importance ; and a fact which every one previously knew, who knew any thing of the subject ; nay, which would be unworthy of notice, but for the danger of misrepresentation by the African Institution, or the friends of the Register Bill !!!

“The cause of this excess,” says the last Report, “is familiar to all who are acquainted with the subject, “and it would not have been necessary to refer to it, “were it not desirable *that no pretext should be left* “*for the unfounded clamour with which the honour* “*and character of this island have been assailed by* “*that party in England whose mischievous designs* “*against the whole colonial system, have led them to* “*resort to every possible misrepresentation, and con-* “*struction of our conduct and proceedings**.”

It certainly was much easier to renew these idle invectives, than to defend the former Report, upon the facts that are now disclosed. It was politic also to suppose, that the Poll-Tax Returns, and not the unfair use made of them, by the Assembly itself, would be the subject of adverse remark. But had

* Report in Papers, No. IV. p. 272.

this honourable body thought fit to acknowledge the correction of its former errors, and to thank the promoters of the Registry for the important information their measure had produced, the conduct might have been thought more natural and becoming, in legislators really disposed to promote, by humane improvements, the preservation and native increase of their Slaves, and to exclude a foreign supply.

The fallacy of the Assembly's reasoning upon the numerical returns, is not, however, the only important discovery derived from the same source. There is another, of a deeply interesting nature, to which your Committee would now invite your particular attention.

The distinction between male and female Slaves, was one of the few particulars of personal description in the Trinidad Returns, which Jamaica did not reject; and the unexpected consequence is, *that the alarming pernicious disproportion supposed to exist between the sexes, is proved to have no existence.*

The whole number of males returned for registration is 172,589, and that of females is 172,663; so that the small difference between them is actually found to be on that side, the great inferiority of which in Jamaica, and other Sugar Colonies, has been so much insisted upon and deplored.

Here we have a striking instance of the fatal ignorance in which the local legislature of this great colony has been content to remain, on points of the

deepest interest, and the utmost practical importance. Here also we discover the fallacy of those views which have been assiduously propagated in England.

The supposed disparity between the sexes was long, and, to the last, brought forward as the most specious objection to the Abolition of the Slave Trade. The agents of the islands, and the planters and physicians, who were at different periods examined before the Privy Council and Parliament, uniformly represented this disparity as the chief and decisive obstacle to the keeping up of the existing numbers, without further importation; and since the Abolition took away the original use of this plea, it has still been resorted to, in order to account for the decline of the black population, without admitting that it has arisen from the mal-treatment of Slaves.

Your Committee will only adduce the last instance of this groundless excuse, in respect of Jamaica; which must be the more impressive, because it is only four years old; and therefore preceded only by two years those registered returns which have produced its complete refutation. It is contained in the same parliamentary document so often quoted —the Assembly's angry Report on the Register Bill, of December 1815. “*The principal cause,*” says the Assembly in that Report, “*which prevents the population from exhibiting what would be its natural appearance, is the disproportion of sexes.*” “By actual enumeration it was found, and is

" stated in a Report on the Minutes of this House,
 " that the Africans brought to the country were in
 " the proportion of two-fifths females, and three-fifths
 " males. *Seven years;*" adds this memorable Report,
 " have been by no means sufficient to bring the sexes to
 " a state of equality; and until that be effected, the
 " number of deaths must be, to that of births, in an
 " unnatural proportion." " This evil," the Assembly
 proceeds to say, " produces another, a greater de-
 " gree of promiscuous intercourse, and more diffi-
 " culty in correcting it by rewards or punishments.
 " It is unnecessary to state how unfavourable this
 " condition of society is to a natural increase, &c.
 " Your Committee presume to think that the causes
 " which they have assigned, are more than sufficient
 " to account for the population not having hitherto
 " increased, without having recourse to the unfounded
 " assumptions of cruelty, oppression, and neglect.
 " Some," i.e. the disparity of sexes and its associated
 evils, " are of a nature which time can only correct;
 " others have been accidental, and may not recur.
 " There is strong reason to believe, that even before
 " the sexes shall be completely equalized, there will be
 " a natural increase in the numbers, but not in the
 " effective strength of the Slaves*."

Such were the statements and reasonings of the
 Jamaica Assembly in December, 1815. In 1816,

* Printed Jamaica Report, of December 20, 1815, pp.
31, 32.

they were presented to Parliament, and assiduously circulated in this country. In 1817, returns, distinguishing the sexes, were for the first time obtained by the Register Act, *and the female Slaves are found to out-number the males !! !*

On which side, then, were the “*unfounded assumptions?*” And where is that superiority of local information and judgment, on the presumption of which the Assemblies have arrogated to themselves a peculiar right to confidence, and an exclusive legislative authority, in matters of interior concern?

During how long a time the alleged disparity between the sexes, has served the purposes of those who so successfully opposed, first the Abolition of the Slave Trade, and, since that trade was abolished, the interposition of Parliament for the protection of Slaves, without any such disparity existing in point of fact, cannot now be ascertained. But it is a most observable circumstance, that those who brought forward and profited by the pretext, could, most easily, at any time, and yet never would, enable themselves or us to ascertain its falsehood, or its truth. Correct information on the subject was repeatedly asked for by his Majesty’s Government and by Parliament; but was by the Colonies always pertinaciously withheld. It was admitted to be easily attainable, and yet was never attained.

Q. “What,” asked the Committee of Privy Council in 1788, in its inquiries addressed to

Mr. FULLER, Agent for Jamaica, Mr. LONG and Mr. CHISHOLME, and to the COLONIAL COUNCIL of that island, "what is the proportion between males "and females?"

A. "We must refer," said the agent, and the planters, "to information to be collected in the island, by general inquiry in every parish, which is very practicable, by a small alteration in the Quarterly Returns, given into the vestry by each proprietor. At present these returns give the total number of Negroes, without specification of age or sexes." From the Jamaica Council, no answer whatever was returned, nor was the defect afterwards supplied*. "The slight alteration" in the returns, of dividing the whole numbers into males and females, might have been made in any quarter of any one of the nine and twenty years that elapsed from the time of this fruitless inquiry, to that of the Register-Act Returns in 1817; but no such alteration was made. Mean while the great disparity of the sexes continued to be assumed as an incontrovertible fact, during all that long period; and to furnish a sufficient answer to those who might be "so censorious and irrational" as to infer the bad treatment of the servile class in general from their rapid decrease, in a climate to them salubrious, and in the healthful employments of the field. To those who were *fanatical* enough to indulge moral and religious feelings

* Privy Council Report on the Slave Trade, Part III. Title, *Jamaica, A. No. 15.*

on the subject and were shocked by the neglect of marriage, of religious instruction, and of all other means of reforming licentious manners among the Slaves, the same assumed fact was held a valid reply; and it has continued, we see, to be relied upon for both purposes, till overthrown by the Register Bills—the very measure which it was adduced to oppose.

It is a rule not only of law, but of universal reason and justice, to presume against any allegation of which the party alleging, and interested in supporting it, could easily produce the proper evidence, if true, and yet refuses to do so. Your Committee might, therefore, without injustice, on this ground alone conclude that the alleged disparity of sexes, in Jamaica, has not really existed, in any material degree, since the very commencement of the controversy on the Slave Trade. But this opinion seems also highly probable from the facts of the case, as now brought to light by the returns; and still more so on the premises adduced by the Jamaica Assembly, in its Report of December, 1817, as quoted above; for the balance being now in favour of the females, it is very unlikely that it could have been much the reverse in 1788, considering how much the population has since been supplied, and on the whole increased, by the Slave Trade.

The trade, while it lasted, was continually adding to the existing numbers three males for every two females; even at the lowest estimate of that dispro-

portion which has ever been made. The agent, and the other witnesses before-named, stated it to be as *two to one**.

It may be naturally thought, that after the alleged disparity had been allowed as a plea for continuing the Slave Trade, the planters would avail themselves of the means which that trade, while it continued, afforded, of remedying the asserted evil by purchasing more women than men; nor can the contrary be accounted for, supposing the disparity to have been real, except upon principles which the colonists have indignantly disclaimed. But no such consistency of conduct has ever been alleged on their behalf. On the contrary, females, up to the period of the last importation, were in less demand, and sold for lower prices than males. Accordingly, the Assembly's Report of 1815 admits, as we have seen, the ordinary disproportion in the imports to have continued till the final termination of the trade; reasonably remarking, that a term of seven years, could not have sufficed to wear out the disparity thus produced.

It undeniably results from the same principle, that during the twenty preceding years, the supposed disparity, if it really existed in 1787, must have been increased rather than diminished; because the imports bore, during that time, a large proportion to the amount of the previous population. The numbers

* Privy Council Report on Slave Trade, Part iii. Title, *Jamaica*, A. No. 15.

imported and retained in the island, from 1800 to 1808, are given from official returns in the same Report, and they amounted to 78,936; whereas, the whole slave population of the island, at the beginning of that period, appears on the same authority to have been only 300,939. But this had also, in a large degree, been made up by like importations subsequent to 1787; for the population is then stated in the Privy Council Report to have been only 256,000; therefore 44,939 must have been imported prior to 1800, without reckoning the numbers that went to supply the loss by intermediate mortality. This loss has been estimated by the Assembly's Report as amounting, between the years 1800 and 1808, to 7000 annually; and if we take an average of only 5000 for each of the preceding thirteen years, we shall have to add 65,000 to the former numbers; making in all 188,875 individuals, added to the slave population of Jamaica by importations at different periods since 1787; of which, by the lowest ratio of disproportion, 113,325 were males, and only 75,550 females. The difference is 37,775, added to the supposed former excess of the number of males. Now the medium amount of population between the two extremes of 1787 and 1817, being 300,626, the due proportion of females would be 150,313, of which 37,775 is about one-fourth part; consequently, without supposing any disparity at all at the present period, or on an average of the whole thirty years, except among the Slaves imported

during that term, *four* women must have been added by births to the population of Jamaica for every *three* men, in order to produce the equality (not to notice the small excess) that now exists on the part of the females.

It would indeed be strange if such an effect had been the work of thirty years; but the wonder would be much enhanced by admitting to the Assembly and its agents, that there was, according to their former statements, a large antecedent disparity on the same side.

There is abundant reason then to conclude, that the British Government and Parliament were, *from the beginning*, misled on this subject, by a misplaced confidence in the representations of the colonists of Jamaica; and that an argument which so powerfully contributed to the prolongation of the Slave Trade, was not at any time founded in fact.

Your Committee may, perhaps, be thought to have digressed from its immediate province by these remarks; but it seemed right thus to shew how useful and necessary a Slave Registry is, if considered only as a source of authentic public information, on subjects vital to the welfare of the sugar colonies, and yet hitherto left in total darkness.

Nor can your Committee quit this subject without congratulating the Institution on the good effects which, in this view, the measure it patronized has produced, either directly or indirectly, not only in Jamaica, but in other sugar colonies.

In SAINT CHRISTOPHER also, and in other islands, the important fact is established, that the supposed excess of males above females, if it ever existed, is no more. In that island the males are 9293, and the females 9541*.

In DOMINICA, the former are 8838, and the latter, 9518†.

In BERMUDA, the males are 2175 ; the females 2408 ‡.

In NEVIS, the numbers (omitting a list of 955 Slaves in which the sexes are not distinguished), are 4026 males, and 4164 females §.

In BARBADOES, the printed returns, as transmitted by Lord Combermere, are peculiarly full and instructive in other respects, specifying the ages, as well as numbers, but unfortunately they do not distinguish the sexes. Here, however, the sufficiency of females cannot be doubted, and the fact of an increasing native population seems to be ascertained ||.

Detailed accounts of the population of TOBAGO, were made up to the year 1811, which, with other papers, were printed by order of the House of Commons, of July 12, 1815 ; and they shew (in page 173), that the deficiency of females was, even at that

* Papers, No. IV. p. 117.

† Papers, No. II. p. 112.

‡ Papers, No. II. p. 95.

§ Papers, No. IV. p. 122.

|| Papers, No. IV. p. 111.

N. B. These are not returns under Register Acts, but under special Acts passed to supply the defect of a census, in consequence of the discussions on the Register Bill, and in order to avert that measure.

date, nearly if not wholly repaired ; for the males were 5931, and the females 5714, while there were 3439 children whose sexes are not distinguished.

In TRINIDAD alone, of all the colonies, returns of whose population, distinguishing the sexes, are before your Committee, is there a clear excess of males ; a fact easily accounted for by the recent settlement of the island, it having been made chiefly by means of the Slave Trade. Yet even here the evil is on the decline *.

* The males originally registered there in 1813, were 10,917 adults, and 3255 children, together 14,172 ; the females 8206 adults, and 3339 children—together 11,545 ; making a difference between the sexes of 2627.

There also must have been a considerable improvement prior to 1813 ; because the returns to the commissary of population in 1811, represented the island as then containing 11,827 males, and only 9316 females ; the difference being 2511, which, on a population of 21,243, the amount of those defective returns is a much greater disparity than 2627 in a population of 25,717.

But the case was improved by the returns of 1816 ; for it will be found, on summing up the respective items of increase and decrease of the two sexes, adults and children together, that while the males have lost 148, the females have gained 302 ; making a difference in their relative numbers of 450, and reducing the total difference to 2177 †. If the importations within the three years from British colonies, are taken out of the account, the emendation will be greater ; there having been 611 males added to the population by that means, and only 540 females ; making a difference against the females of 71.

It cannot be doubted then, that even in this island, if the population shall be left to its natural causes of advance or decline ; and much more if the planters in their future imports

† Papers, No. II. page 94.

On the whole, it may confidently be inferred from the information now before Parliament, and which your efforts to obtain a general registration of Slaves in the colonies have chiefly, if not solely elicited, that the grand alleged obstacle to native increase, and moral improvement, was in respect of the British West Indies in general, greatly magnified ; and that if in the older islands it had any reality at all, it has, from the beginning of the slave controversy, been the mere effect of further extending that atrocious practice, which it was brought forward to excuse.

That the evil has now totally ceased in most of our colonies, and is on the point of ceasing in all, is from the same premises still more incontestible. Henceforth, therefore, that decline of the servile population which too certainly still continues, must be traced to some other sources than the defective elements of the population itself.

Important as these results of a Slave Registration undoubtedly are, they would be still more so, if the respective plantations were distinguished in the returns of Jamaica, and of our old islands generally, as is required by the Order in Council at Trinidad.

The advocates of the Colonial Slaves have always alleged the causes of decline in the Slave population to be chiefly two—the excess of forced labour, and the insufficiency of food ; to both of which abuses from other British colonies, attend to this important interest, preferring females to males, the disparity of numbers between the sexes, which has been so loudly complained of at Trinidad, will in a very few years wholly cease to exist.

there are far the strongest temptations on sugar estates. They have alleged also as a strong concurrent cause, that odious and pernicious method of enforcing labour, which prevails in a peculiar degree on sugar estates ; namely, driving in the field ; especially as it affects the female Slaves. Their views, undeniably, have this *prima facie* confirmation from experience, that it is in sugar colonies chiefly that the evil of a decreasing population is found to exist. But even in such colonies, all the Slaves are not employed in the culture of sugar. In some, in Jamaica especially, there is a large mixture of coffee, and live stock plantations. Cotton also is grown in some colonies ; and in all, a considerable proportion of the servile class is employed in handicraft trades, in the labours of the towns and harbours, and in domestic service. The question therefore between the sugar planters, and those whom they call their enemies, might easily be brought to the test of experiment. A Registry, discriminating not only between plantation and personal Slaves, but between one plantation and another, and between the sexes in all, would shew by its periodical census, whether the causes producing a decline of the Black population belong most probably to the longitude and latitude of the place, or to the species of employment, and to the modes of labour and subsistence. No such information, however, can be derived from general returns of the Slaves of A. B. or C. D., still less of the Slaves of which A. B. or C. D. is in pos-

session; because he may be the owner, trustee, manager, attorney, or possessor, not only of sugar plantations, but of coffee plantations, of stock estates, or pens, and of many personal Slaves. The rejection, therefore, of such reasonable specifications, and distinct returns, as the Trinidad Register Act and Mr. Wilberforce's Bill required, is a withholding of some of the most necessary means whereby the causes of a declining population may best be traced, and the proper remedies supplied.

That the stock of Slaves in the British colonies collectively, is declining, unhappily cannot be denied; and it is an evil which, unless speedily checked, must march forward with a rapidly accelerating pace. But the first step toward providing a cure for any malady, is the knowledge of the disease; and the next, the discovery of its causes. A well regulated Registry would effectually give the one; and help us far towards the other. But such Registries as Jamaica and the other colonies have established, will not suffice even for these purposes.

Indeed, these Acts cannot long, if at all, have any good effect whatever, as your Committee will proceed further to shew.

The only remaining provisions of a directory kind which it seems necessary to review, under the second division of the subject, are highly important; namely, those which relate to the transmission of copies or abstracts, of the registered returns to England.

By the Order in Council for Trinidad it was directed, and Mr. Wilberforce's Bill proposed to direct for all the colonies, that the Registrars should, within the earliest period that could conveniently be prescribed, transmit, through the Governors, authenticated duplicates of the original register books, and copies or abstracts of all the subsequent periodical returns, to his Majesty's principal Secretary of State for the colonial department in England; to the intent that they might be lodged and kept in a general public Registry of colonial Slaves, to be established in this country.

The objects of this essential part of the plan were,

First, To insure a regular active obedience to the law, by the officers intrusted with its execution abroad; or else, to obtain a certain and early discovery here, of any default in such obedience.

In many former cases, and some of them closely analogous to the present, the duties prescribed by positive laws in the colonies had, as has appeared, been totally neglected, not only by private persons, but by public officers; and this, from the moment of the enactment of those laws by the local legislatures themselves. Yet no prosecutions had ensued for the penalties incurred by such neglects; and though notorious in the West Indies, they were unknown to the British Government and Parliament, until many years afterwards, when official inquiries, consequent on parliamentary addresses, obliged the local autho-

rities to avow their general default, but at a period when its evil consequences could not be repaired.

Such was the case of the Acts before noticed, which, in Jamaica and in other colonies, required annual returns of the births and deaths of Slaves on the plantations, with the particular causes of mortality. They were all passed as early as 1798; and most of them nearly ten years earlier; yet in 1804, when a circular Letter from the colonial department, in pursuance of an Address of the House of Commons, required the transmission, by the Governors, of lists or brief abstracts of these returns, and of other information such as those documents would have supplied, the answer in substance, from every colony was, that no such returns had been made. Most of the Governors, being either themselves planters, or desirous of pleasing the communities over which they presided, resorted either to awkward excuses, or to evasions and delay; but an honest old soldier, General Sir George Prevost, Governor of Dominica, fairly avowed the plain truth; stating that the Act of that island "*had been considered from the day it was passed to that hour, as a political measure, to avert the interference of the Mother Country in the management of Slaves;*" consequently, that the returns had been wholly neglected *.

After such examples, it was impossible for persons

* Papers printed by order of the House of Commons, Feb. 25, 1805, p. 36.

at all conversant with the subject, to rely on the correct and permanent performance of the duties to be prescribed by a Register Act in the Colonies, unless means were found to manifest the execution or non-execution of it in this country, so that the British Government, and Parliament, and also private persons interested in its due observance, might have timely notice of any general official neglect.

Such a precaution was the more indispensable, because, though the consequences of private and particular defaults might fall only on the defaulters themselves; gross neglects, by the Registrar, of his general duties, might, by suspending the due action of the machine, obstruct in a very embarrassing and pernicious way all its future movements; and greatly impair at least, if not wholly destroy, its beneficial operation. Such neglects are here chiefly meant, as would be apparent on the face of the Registrar's own Records. For example, if he were to suffer the proper entries in his books to be so long in arrear, that a second periodical registration should become due before a first was completely made; or if he should keep his books in so slovenly and immethodical a manner, as to render the particular facts of due registration doubtful; much more if, in collusion with the enemies of the system, he were to suffer his books, or any of them, to be lost, mutilated, or destroyed.

In such cases, the Legislature would be placed in a most painful and difficult dilemma. To adhere

to the main principle of a Slave Registry, by still making it necessary evidence of the masters' rights, might be extensive injustice to individuals, and dangerous to the community at large. Yet the only alternatives would be, not only to impose a grievous inconvenience on innocent persons, but to effectuate perhaps the fraudulent and oppressive ends for which the dilemma was contrived, by directing a new general registration, in which every Negro held in actual slavery within the Colony, however wrongfully and recently introduced, might be safely returned. All the security to freedom, and all the certainty of titles, obtained by half a century perhaps, of regular registration, might be thus irretrievably lost.

But the books might also be destroyed by fire, or by hurricane, or by an enemy in the time of war; or even by ordinary causes; as paper records are peculiarly perishable in that climate.

A *second* reason, therefore, for providing a duplicate Registry in England, was to prepare a resource in cases of a total or partial destruction of any of these important books.

The general Register Office for colonial Slaves in this country, if as well guarded as our depositories for other public records, would be an effectual assurance against all irreparable ill consequences of such events in the West Indies, when arising from accidental causes; and, therefore, it may be added, would remove all temptation to their production by

other means. The worst inconvenience from the total destruction even of a whole colonial Registry, would be, that a transcript of the duplicate books in England, as continued and corrected by the last transmitted periodical returns, must be made and sent out to the colony; and that an Act must be passed to suspend, in some measure, the operation of the Register Act there, till this transcript should arrive.

In addition to these decisive reasons, there was a *third* object, of hardly inferior importance, to be attained by establishing a general Registry in this country. Without such an establishment, the means of ascertaining the observation of the law, by registration in the colonies, might be difficult, as well as tedious. A merchant in London disposed to purchase, or lend money upon, a West-India estate, could not do so with safety, and with that dispatch which such transactions often require; for he must wait for, and trust to, the correctness of information to be obtained from the colony. The proprietor also, when resident here, might not be easily able to discover neglects by which his title might be affected, in due time to interfere and repair them.

The force of these latter considerations will be more apparent, when the remedies and sanctions for enforcing these laws, the last division of our subject, comes under review. But your Committee, assuming, for the present, that a general Registry in this country is an essential part of the plan, will proceed

to state in what manner the means of forming it have been provided by the colonial Legislatures.

The Act of Jamaica directs, as has been already seen, that the Secretary of the island, after registering the different copies of parochial returns transmitted to him by the Vestry Clerks of the twenty-one parishes, shall deliver them to the Governor's Secretary, to be transmitted to England.

The authority of the British Government, or Parliament, it may be said, will suffice for what is to follow; and it must be admitted, that the Assembly could not, with any propriety or effect, impose duties on the King's Representative; much less go on to enact what shall be done with the returns after the receipt of them by the Secretary of State in the mother country, or what shall be the effect of registration or non-registration here. It is one of the many inconveniences of leaving this important measure to the Assemblies, that the different parts of one necessarily connected plan must be effectuated by different legislative powers; and that even the connecting links between the particular colonial Registries, and the general Registry here, cannot be supplied by those authorities, to which the work has been generally referred.

But the Assembly of Jamaica, if disposed to go as far as it could go, in the exercise of that exclusive power which it assumed to itself in this work, might have directed that duplicates of the Secretary's Register Books should be made and transmitted, duly

authenticated by him, to the Governor, as was directed by the Order in Council for Trinidad; or at least, that a complete transcript in paper of those books, should be so transmitted. In that case the Jamaica Registry, imperfect as it is, might at least have had its counterpart in the English office, not only as to its substantial contents, but in point of order and form: whereas, under the Act as it stands, there will be no correspondence between them, except such as it will soon become extremely difficult, or quite impossible to trace. No order, let it be again observed, is prescribed, in which the Secretary is to enter the different returns; and as to the form, the only direction is, that it shall be "*in the manner that other instruments are there recorded.*"

How is the English Registrar to know what that manner is; or in what order, or under what titles, the contents of so many parochial lists are entered in the Secretaries' books, and carried on by the periodical returns? It is highly improbable, as to the original registration there, and quite impossible, as to its future continuation by periodical returns, that they should have any intelligible correspondence, with that which ought to be their faithful and authenticated counterpart in this country*.

* Here, perhaps, some practical illustration may be useful.

Let it be supposed that A. B. is an extensive possessor of Slaves, as proprietor, trustee, attorney, manager, and in other characters, in the several parishes of Trelawny, Clarendon, and Kingston; and that in each of those parishes he has made his returns for original registration. His lists, of course, will

The Register Acts of other Colonies, without being substantially more defective in this essential, occupy very different places in the Registry of Jamaica, and in the English Registry for that island respectively, unless the Trelawny, Clarendon, and Kingston returns should by a strange coincidence, happen to be transcribed in the same order relatively to themselves, and to the other parishes, in the Register books of both countries.

Very different is the case as to Trinidad. If the duplicates are made pursuant to the Order in Council, a reference found in any conveyance of Slaves, to the books of that colonial Registry, would be an exact direction to find the correspondent entries in the Registry here.

The inconvenience of this departure from the original plan will be better conceived, if it is kept in mind, that according to the computation of the Jamaica Assembly itself, thirty-four books will be necessary to contain the original registration of that island.

Thus far, however, difficulty, not total impracticability, of research and comparison, might be the consequence: but let us look forward to the future periodical returns. Let it be supposed, that prior to these A. B. is dead, or has removed from the island, or has sold his estate, or has gone with his personal Slaves to reside in some other parish, or is no longer trustee or manager of, or attorney for, the owner of all, or some of the Slaves, originally returned by him. Under whose names then, and in what parochial lists, are the continuations, alterations, and corrections, in respect of the same Slaves, or gangs of Slaves, to be sought for? The Act says, that at the future triennial periods, "All persons who shall *then* be in possession, "as owner, mortgagee, trustee, attorney, &c. &c. shall return "lists, shewing the increase, decrease, &c. since the last re- "turn;" and these lists are, by the Vestry Clerks, to be transmitted to the Secretary of the island, and by him, after being entered in his books, delivered to the Governor's Secretary, to be sent to England, as in the case of the original returns. Now the meaning is, or it is not, that the Secretary shall enter these future periodical accounts of increase and decrease in his

point, are more obviously so. Here again we must except TOBAGO; the Legislature of which island has, in most respects, honourably distinguished

books, with some arrangement, and under some title, or with some express reference, that shall connect the new lists intelligibly, with the original and former returns of the same proprietors. If such be not the intention (and there is nothing in the Act to shew that it is), then undoubtedly it is needless to consider further the consequences in the English Registry; for the whole use of the measure, both here and in Jamaica, is annihilated. But if we suppose such means of reference and identification to be tacitly provided, or intended, then how can the arrangement and references in the English books, as to the Slaves progressively returned by A. B. possibly tally with those of the books in Jamaica? And how can the English Registrar supply any intelligible references at all?

The Secretary in Jamaica, indeed, may by *possibility* know, at the time of some triennial return, that A. B., late of Trelawny, is now of Westmoreland parish; and may enter his Slaves, therefore, in the Westmoreland returns, under the name of "A. B. late of Trelawny," or with a reference to the last Trelawny returns; or he may know that C. D. is now become owner, trustee, or possessor of the estate in Trelawny, for which A. B. before made the returns; and may, therefore, under the names C. D. in the returns of that parish, make a note of reference to A. B. and *vice versa*. But the documents to be sent to England are to contain no such information: they are to be mere copies of the parochial returns. The English Registry for this island, therefore, if not the Colonial also, must, from the want of all means of tracing the Slaves and proprietors of different estates, up to the original registration, soon become perfectly useless. Nay more—it must, by the operation of an Act of Parliament of the last session, to which we shall hereafter refer, become in a high degree inconvenient and mischievous, to all proprietors of estates and Slaves in Jamaica.

itself in this important and interesting work. In conformity to the Order in Council for Trinidad, it has provided for the transmission of duplicate books of original Registry, and of accounts or abstracts of future periodical returns*. We must except also GRENADA, as hereinafter mentioned.

The legislatures of the other colonies have, for the most part, wholly rejected this part of the precedent before them. Their Acts require no duplicates, or copies, or abstracts whatever to be transmitted to this country; or delivered to the Governors; or prepared and certified by the colonial Registrars; but leave out this vital part of the plan altogether. Such are the Acts of BAHAMA†, of DOMINICA‡, of NEVIS§, St. CHRISTOPHER||, TORTOLA OR VIRGIN ISLANDS¶, and St. VINCENTS**.

The Act of BARBADOES directs duplicates of the books of original registration to be made and delivered to the Governor for transmission to England; but is silent as to the triennial returns ††. The same is the case at BERBICE and DEMARARY‡‡.

The Act of MONTSERRAT on the contrary, directs duplicates of the triennial returns, to be made

* Papers, No. III. pp. 43, 46. † Ibid. No. IV. pp. 11—14.
† Ibid. pp. 30—35. § Ibid. pp. 81—88. || Ibid. pp. 89—98.

¶ Ibid. No. IV. pp. 98—108.

** Ibid. No. III. pp. 23—31. But see a former Note as to this document, which appears in the parliamentary papers to be a Bill only, and not an Act.

†† Papers, No. III. pp. 3—8. ¶ Ibid. No. IV. pp. 14—36.

and certified for transmission; but contains no provision as to the original Registry *.

The Register Act of GRENADA, with that of TOBAGO, pursues in this respect substantially the precedent of Trinidad; by directing duplicates, both of the original and subsequent periodical returns, to be delivered to the Governor, for transmission to the Secretary of State.

Here, however, your Committee must take occasion to notice, with concern, a grand and radical defect in the Act of Grenada, which more than counterpoises its superiority in some respects to those of many other colonies. In adopting an institution, the perpetuity of which, not only in effect, but in the present expectation of those who are affected by it, is indispensably necessary to its principles, and its objects, the Legislature of Grenada has strangely thought fit to limit the duration of the Act; and this to the short term of four years!!!

In framing records which are to be the evidence of future genealogies, and the tests of the legal condition of multitudes in generations yet unborn, such a limitation is plainly inconsistent with the practical objects of the law. It is, also, utterly subversive of the hope that these laws will have a beneficial influence on the present treatment of Slaves.

It is needless to explain here at length the views on which that hope was founded. They were sufficiently opened in your Report on the Register Bill;

* Papers, No. IV. pp. 74—80.

and your Committee will only remind you, that they wholly rested on that *perpetual* exclusion of a foreign supply of Slaves; which the registration, if universal in the British colonies, would ensure; and the utter despair which would consequently be felt, both by planters and their mortgagees, of any future substitute for a native succession or increase.

It was not essential to the value of this consideration, as our opponents affected to suppose, that we should assume the disputed fact of an existing contraband importation. The *known practicability* of that abuse was quite enough for the argument; and that it is easily practicable, in the absence of a well-regulated Registry, no man at all acquainted with the case can possibly doubt. The Assemblies, and their agents, formerly made the notoriety of this truth, and the absolute impossibility of preventing the abuse by external means, a prominent argument against the abolition of the trade by law*.

But how can an Act, limited in its duration to a few years, produce the desired effect? Instead of the salutary despair of a future extraneous resource, the limiting clause itself will suggest to the indigent planter's mind, and to the minds of his creditors, that the painful present sacrifices, necessary to the preservation and increase of his gang, may yet be avoided. It will tell them, with a most intelligible voice, that the measure is a mere expedient of temporizing po-

* See the many quotations to this effect, in Mr. Stephen's first Letter to Mr. Wilberforce, in defence of the Register Bill.

licy, and not designed to be permanent; since a limitation, so incompatible with the general principle and objects of the law, could have been annexed to it at its birth, only in order to keep its duration in the power of the Assembly.

The framers of the clause were evidently conscious of its being, in this view, of an objectionable nature; and they therefore prefixed to it a preamble, in which they endeavoured ingeniously, but most unsatisfactorily, to defend it. “Whereas the pre-“ sent Act, being of great importance, and may not “in its present enactments be calculated to answer “all the purposes intended thereby, but may by “experience be found defective, and require altera-“tion; in order, therefore, to afford the Legislature “an opportunity to give the measure a fair trial, “and to remedy any defects or imperfections that “may be found therein,”—“Be it further enacted,” &c.*

We have here several distinct considerations grouped together, with an apparently studied confusion; namely, the importance of the Act, its experimental nature, and the possible defectiveness or imperfection of its enactments, as motives for a limitation to which neither of those considerations could with any colour of reason lead. The importance of the Act is plainly quite beside the question, whether it ought to be a permanent or temporary law; and if

* Papers, No. IV. p. 46.

the measure were “experimental,” it is at least one that would require a far longer term of experiment than four years. So to limit a census of progressive population, and a register of hereditary slavery, is about as rational as it would have been in the *Nullum Tempus Act*, which gave a prescription of sixty years against the Crown, to say that it should be in force till the next session of Parliament. As to the possible “insufficiency” or “imperfection” of the enactments, the reasoning seems to imply, that there is no way to amend an Act, but by letting it first expire, and then reviving it in a better form; but the Grenada Legislature has itself shewn its knowledge of the contrary, by amending this very Act in the same year*.

A more intelligible motive pretty clearly discovers itself in this preamble; viz. That of keeping it in the power of the ASSEMBLY, without the concurrence of the Governor and Council and the Crown, soon to get rid of this law; for it is not easy otherwise to understand what is meant by “affording *the Legislature* an opportunity to give the measure a fair trial.” It was apprehended, no doubt, that difficulties might be found in obtaining the assent of the King’s Representative, and the allowance of the Crown, to the repeal of a law which the Parliament of the mother country had

* See the Amending Act, printed next to the former, in Papers, No. IV. p. 49.

strongly recommended, and the want of which, in a single colony, would unhinge a general system*.

The Act of the BAHAMAS is the only other Act, before your Committee, which agrees with that of Grenada in this last particular. It is limited in duration to six years. But then it is not a Register Act, even in name, though it prescribes a periodical census. All the other colonial legislatures have professed to adopt the system of registering their Slaves, and have perceived the flagrant inconsistency of adopting such a measure at all, without making it perpetual.

Your Committee might point out many more defects of various kinds in the Acts of the different colonies, under the second of the general heads into which this review has been divided ; but it is high time to proceed to the third and last,—viz.

- Should it seem harsh to the Grenada Assembly to conjecture a motive like this, let it be recollected that the same legislative body acted just in the same manner in passing its meliorating Slave Act in the year 1788. Upon a call for reformation from Parliament, it exceeded most of the other colonies in the specious humanity of its enactments; especially in the constituting public guardians of Slaves—a plausible expedient adopted by two only of our islands. But the Act had a clause limiting its duration to four years, at the end of which term, viz. in 1792, it was suffered to drop into non-existence, without even an attempt to revive it, (though it contained the whole much-boasted code of ostensible melioration in that island) until five years after, when upon new discussions in Parliament relative to the state of the colonial Slaves, most of its clauses were suddenly re-enacted.

THIRD GENERAL HEAD.

The Sanctions by which Obedience to these Laws is promoted or enforced.

It cannot be necessary to shew, that the main difficulty attending the plan of a Slave Registry in general, is to ensure its punctual execution in the colonies. The impotence of judicial and executive authority there, when opposed to the current of local prejudices and interests, is too notorious to be denied. It is an evil inseparable perhaps from small societies; and that in proportion to the degree of liberty which they enjoy. But it is pre-eminently felt in the British West-India colonies, where the extreme degrees of civil freedom, and civil prostration, divide a small number of individuals possessing all the power, and all the privilege, from the mass of the society at large; and where the laws can only be enforced through the verdicts of juries, and by the testimony of witnesses, taken exclusively from the small privileged class. Above all, the arm of every colonial legislature is paralyzed from this cause, whenever it attempts to protect the large enslaved majority from the wrongs of the privileged few.

These truths are not more credible in theory, than incontestible in fact. They are admitted by many respectable colonists, sufficiently zealous in defence of their interior system, and are attested by irresistible evidence. No other apology can, in fact,

be made for the acknowledged non-execution of the many meliorating Slave Acts which the last thirty years have produced in most of our West-India islands. Well was it observed of them by Mr. Burke, "*I have seen what has been done by the West-Indian Assemblies. It is arrant trifling. They have done little; and what they have done is good for nothing; for it is totally destitute of an executorial principle.*"

From these considerations it is evident, that no punctual or permanent execution of the laws for registering Slaves, could rationally be expected from such ordinary sanctions, as civil remedies to be prosecuted, or penalties to be recovered, in the colonial courts.

The promoters of the Register Bill were well aware of this; and so was his Majesty's Government, when framing the Order in Council for Trinidad. An executorial principle, therefore, was sought for, and found, in the self-interest of the master; his future title to his Slaves being made to depend on their due registration. Ample provisions were made to protect him against the neglects of others, or his own involuntary defaults; but, subject to a fair allowance for these, his rights as an owner were virtually forfeited, if the law was disobeyed. In making out his title in a court of law, against any person withholding his property in Slaves, he was bound, as an indispensable preliminary, to shew that they were registered as belonging to him, or to the person under whom he

claimed. In asserting his right against a Negro claiming to be free, he was held to the same preliminary proof.

As a sanction founded on the same principle, and of still greater efficacy, the validity of a sale or mortgage was made to depend on the same condition: unregistered Slaves could not be conveyed as property; and by the provisions of the Register Bill, the insertion of them in any deed of sale or mortgage annulled the whole conveyance.

It was from the operation of this last rule, that the general Registry of Colonial Slaves in England, to be formed through the transmission of duplicate books, and copies of periodical returns, was to derive its grand importance. The great frequency of sales, and the still greater frequency of mortgages and assignments of such property, executed here, made it highly desirable or necessary, that official evidence of due registration should be attainable in this country; and being attainable, every proprietor of Slaves, every planter at least, would, for his own sake, take care that such evidence should not be wanting, through his own default, or that of his agents abroad. His credit with his consignee, his power of raising money by mortgage, or that of selling his estate, objects which every sugar-planter feels to be of the last importance, would all depend on the due observance of the law. The consequence is obvious. All the proprietary influence over the colonies would be engaged on the right side; and the

local authorities, instead of having to struggle against the tide of popular feeling in discharge of their duty, would find no ease or security to themselves but in its strict and punctual performance. Register Acts, in short, when thus guarded, would want little or no aid from colonial courts and juries. *They would execute themselves.*

The most anxious inquiry of your Committee, therefore, has been, in what degree these grand executory means have been adopted by the Acts under its review; and you will hear with pain the disheartening general result: *with a few partial and useless exceptions that shall be noticed, they have not been adopted at all.*

The last-mentioned, and most efficacious expedient, has been wholly rejected by every colonial legislature, in every Register Act before your Committee, but that of Tobago, which has prohibited the sale or other alienation of Slaves not duly registered, but without avoiding the conveyance as to any other property comprised in it. With this exception, the transfer by sale, mortgage, or otherwise, of unregistered Slaves, is no where at all restrained; much less rendered impracticable, by any avoidance of the deeds.

The consequences of this fatal departure from the plan, are not only the loss of that salutary influence, on the minds of proprietors, which would best insure the regular execution of these laws, but the easy frustration, at the master's will, of such feeble

remedies as the Acts affect to provide against the holders of Slaves, or of Negroes treated as such, whom they have never returne dfor registration. It would be too tedious to set forth these provisions fully ; otherwise, it could be clearly shewn, that a Negro, entitled to claim his freedom from non-registration, might be effectually deprived of the benefit of the law, by selling him to a third person, who would include him in his next returns.

This great and universal defect will appear the more extraordinary when it is observed, that the principle of avoiding titles to Slaves, as well as to lands and tenements, for want of registration, has long been familiar to all the colonial assemblies. Every island has its public registry of deeds and wills; and no man there can safely purchase lands or Slaves, or advance money on a mortgage of such property, without ascertaining first by a search in the office, or by the Registrar's certificate, that the seller's or mortgagee's title has been duly registered. The same is the case as to manumissions. Freedmen cannot claim their liberty under those instruments, unless they are duly registered. How happens it, then, that in acts made for preventing, by a like simple and useful institution, the atrocious oppression of imposing a tortious slavery, the same sanctions are almost universally refused?

The Assemblies are, in other cases, peculiarly partial to the notoriety of recorded evidence for the prevention of frauds. They have required not only

the registration, in public offices, of judgments and executions, and powers of attorney, and various other private instruments; but in some islands have obliged creditors to put on record the proofs of their debts, and of the balances which they claim under unsatisfied judgments; and the sure expedient to which they have always, except in the present case, resorted, is (not to impose pecuniary penalties but) to avoid, in case of his non-compliance with the law, that right which the defaulter would otherwise possess. Why have they, then, reversed these views in the case of unregistered Slaves?

There is still another singularity in this unfortunate defect.

Great clamours were raised against that provision of the Register Bill which made non-registration evidence of freedom. Anxiously guarded though this provision was, to prevent any hardships that might be sustained by innocent though improvident owners, or persons out of possession; and indispensably necessary though it obviously was to the moral consistency of the plan, to set those persons at liberty who were presumed to be wrongfully enslaved; still this provision was strongly objected to on the part of the colonies. It was represented to be of a highly alarming tendency to the proprietors of Slaves, and even incompatible with the interior safety of our West-India islands. Now, the avoidance of conveyances of unregistered Slaves, as between free persons, was plainly not liable to the same mis-

representation ; and could give rise to no plausible pretence of political alarm ; and it was, in fact, much less, if at all, complained of. We might naturally have expected, therefore, that when this great work was left to the Assemblies, the enfranchising clauses, would have met a far more general rejection, than those which avoided the deeds. But the very reverse has been the event. The former have been retained (though with various and strange alterations) by most of the Assemblies ; the latter, by one alone.

Your Committee must not presume to explain these phenomena ; but they may be allowed to remark, that of these two executory provisions, the invalidation of deeds is that by which defaulters would be most endangered ; for the enforcing of it would redound to the benefit of free persons, prompted by self-interest to assert their rights, and able to maintain them by law ; whereas the right to enfranchisement would belong only to persons whose ignorance, and want of property, and civil incapacities, make their legal remedies, especially against a master, *de facto*, of no easy attainment. Another difference, also, may have been felt. It would have been difficult to find a medium between the validity and invalidity of a conveyance ; and as difficult to embarrass the establishment of a right that demands, for its evidence, merely a comparison of names and descriptions in a public office. But the right to be enfranchised, and the means of establishing it, were much more tract-

able subjects. They admitted of, and seemed even to require, regulation; and it was found easy so to modify the right, and so to regulate the remedy, upon plausible grounds, that the most determined enemy of enfranchisement would have reason to be content.

Your Committee feel that the great and unavoidable length of this Report forbids the further enlarging of it by long extracts from these laws; otherwise the clauses of the Jamaica Act that relate to the enfranchisement of unregistered Slaves well illustrate the last remark, and would deserve a literal insertion. They are in substance as follows:—

The owner or possessor of a Slave, omitting or neglecting to return him, as required by the Act, for registration, is subjected to a penalty of 100*l.* currency; one half of which is given to the prosecutor. This penalty is made recoverable by action of debt in the supreme court of the island; but the issue is to be tried in the county where the cause of action arose. Upon judgment recovered for the penalty, the Attorney-General is to file an *ex-officio* information against the Slave; but the issue joined therein says, the act shall be tried “*as and for an importation of Slaves contrary to the Abolition laws.*”

It is next declared, that “the record of the judgment for the penalty shall be sufficient evidence to maintain the information; but that it shall be lawful for the defendant to take defence, either in his own name, or in the name of the person he holds the Slave in possession for, and to plead *not guilty: and*

*"thereupon to prove that the Slave was not imported
"into this island contrary to the Abolition laws."*

It is afterwards provided, that if such defence is not taken at the first court, the information shall be continued over to the next grand court; and then any person claiming any estate or interest in the Slave, in reversion or expectancy, or any mortgagee or judgment creditor of the defaulter, *may take defence and plead and prove as aforesaid.*

If, upon the trial of this information, a verdict is found and judgment given for the defendant, the Slave is "to be held and enjoyed as before." But if judgment be given for the Crown, by verdict, or default, the *Slave* "shall be treated and disposed of as if he had been imported contrary to the Abolition laws." *And for that purpose, "the Judges" shall make order for the production and delivery over of the Slave, &c.**

For what good purpose, or upon what consistent principle, all these tedious and costly proceedings are to be had, before a man held in slavery, without that which the law has made the proper and necessary evidence of his servile condition, can be delivered from the law-breaker's yoke, or even protected from final and remediless oppression, it is hard to conceive.

If non-registration was not, as in Trinidad, to give a title to freedom, it would seem, at least, that the first conviction ought to have been decisive.

* Papers, No. III. pp. 13, 14.

The act had previously provided, with at least a sufficient latitude of indulgence, for repairing unintentional defaults of the owner or possessor*. Yet his unrepaired, and unexcused default of registration, is not thought even a sufficient *prima facie* ground of any proceeding for the release of the unregistered Slave. There must next be a voluntary private informer and prosecutor, if any such man can be found, to carry on a suit in the supreme court, and try an issue in the master's neighbourhood, for the chance of receiving 50*l.* currency. Even then, if the defendant has not sinned wilfully, or, to use the words of the Act, "if the omission in the return, or want of his return, can be made to appear, to the Governor's satisfaction, to have arisen from accident or some unavoidable impediment, or *from other cause which may appear to him as a satisfactory ground,*" the action may be stopped on payment of costs; and the return supplied, or amended †. But if the defendant has no such excuse to allege; if he proceeds to trial, and has a verdict and judgment against him; what is the consequence?—That the Negro is enfranchised? By no means.—That he is taken out of the defendant's custody? Far from it. The law-breaking default, the failure of any excuse for it after repeated opportunities given, the verdict, and the judgment, all go for nothing; or only serve to raise

* See the proviso in p. 11, and the clause in pp. 14 and 15, of same papers.

† See clauses in pp. 14, 15, same papers.

that *prima facie* evidence in the subsequent suit next required to be instituted, which, according to the law of Trinidad, and the plain reason and justice of the case, ought to have been raised by the want of registration alone.

The Negro is even still to remain in the convicted defaulter's custody (if he is unwise enough not to send him out of the jurisdiction) until a new and tedious further litigation is brought to a final close.

For what reason an issue even in the first suit is to be sent, from the supreme court, to be tried in the master's county, cannot be discovered; unless it be to give the defendant a chance, that his neighbours and brother slave-holders will allow of a defence which was too weak to be submitted to the Governor, and so absolve him from the necessity of any registration at all; for the registration or non-registration, the return or default of return, let it be observed, is not such matter of fact as can require an investigation by a jury of the vicinage; but is matter of record in a public office, proper to be tried only by inspection of the record itself.

As to the intention, or *quo animo* of the default, this is either meant to be part of the first issue, or it is not. In the latter case, what has the jury to try? In the former, a verdict and judgment for the prosecutor establishes not only the defendant's default, but his guilt: yet still it is to be of no avail to the injured and unfortunate captive!!!

The Attorney-General is next to take up the case

on the part of the Crown. He, by the way, or some other public officer, certainly ought to have been directed to do this in the first instance; since the unregistered Negro was not enabled to sue for himself. But the Attorney-General is to wait, it seems, until a conviction has been first obtained by a voluntary prosecutor; and in what manner is he then directed to proceed? The device is certainly novel and ingenious. He is to file an information, *ex officio*, "as *"for an importation of African Slaves contrary to the Abolition laws."*

But against whom, or what?

There are in law informations and prosecutions, either *in personam* or *in rem*; against the offenders personally to recover penalties; or against the goods, to obtain their confiscation; but we have here a device of which the effect seems to be, that it shall neither be regularly, nor usefully, nor intelligibly, against the one nor the other. The convicted defendant in the former action "*may take defence,*" it is said, "*in his own name, or that of the owner he acted for;*" and so may any "*other person claiming an interest.*" No particular party, therefore, is prosecuted, as a defendant and delinquent, by the information itself.

The words are, "*against the Slave or Slaves omitted to be registered.*" It would rather appear, therefore, to be a proceeding *in rem*; Slaves being regarded as property. But in every such process, the *res* itself is first brought by seizure into the cus-

tody of the court; or at least of the party prosecuting, and bringing it before the court for judgment; and the owner becomes a party, not as "*taking defence,*" but as a claimant demanding restitution, and, as such, bound to prove his property, as well as to traverse the criminal charge.

Such is the effect of the prescribed course under the Acts of Parliament, for abolishing the Slave Trade.

Why are these new terms, and troublesome and anomalous methods, thus laboriously and obscurely devised? The only apparent answer is, because the Legislature meant to give the defendant the chance of a second trial; but did not mean, either that he should be prosecuted for the pains and penalties of the Abolition Acts—or that the Negro should be delivered by seizure out of his hands, pending even this second suit—or that he should be obliged to prove his property as a claimant.

It might naturally, however, be supposed that the asserted master would be obliged, in this last instance at least, to shew that the party detained by him as a Slave was really such; but even this is thought, by the Assembly of Jamaica, too great a burthen to be imposed on the twice-convicted defaulter. He is only required to prove that the alleged Slave "*was not imported into that island contrary to the Abolition laws.*" If he proves *this*, there is an end of all proceedings; and the unfortunate subject of the successive suits may remain

in bondage for ever, after all that the benevolent private prosecutor, and the official prosecutor too, have successively done for his relief. He may have been born free within the island, or, being free by law before he became an inhabitant of Jamaica, may have come there of his own accord ; or he may be an African, originally smuggled into some other British colony, but afterwards brought to Jamaica with proper clearances ; and therefore, in either of these “cases, *not imported into that island contrary to the Abolition laws.*”—In these, and other supposable and very probable cases, the issue on the information may be sufficiently maintained on the part of the defendant, and a verdict of not guilty properly given under this most singular Act ; and the oppressed party may consequently remain in perpetual and remediless bondage, notwithstanding the thrice-recorded violation of that law which was framed for his protection and relief !

If, on the other hand, the defendant should fail in such proof—or if even the public prosecutor should prove affirmatively, and to the satisfaction of a West-Indian jury, that the injured party was imported contrary to the Abolition laws by the defendant himself—the Act still goes no further than to provide, that the judge “may make order for his production “and delivery, to be treated according to the regulations of the Abolition Acts :” that is, to be bound as an apprentice by public authority, as if he had been a newly arrived, helpless African,

delivered from the hold of a slave ship, and unable, without previous instruction, to provide for his own subsistence. Such is to be the fruit to *him* of these complicated and tedious proceedings ; while his oppressor, though proved to be a felon, is to incur, so far as this Act goes, no further inconvenience.

After such a statement and exposition of the Act of our principal colony, your Committee may well abstain from any, but a very summary, view of the Acts of other islands, that provide in any degree for the same important object.

The Act of BARBADOES declares, that “ every Slave *wilfully* neglected to be returned for registration shall be entitled to freedom, *if an African*, unless the defaulter shall, within six months *after the discovery of the omission*, establish by sufficient evidence before the Governor and Council that such African Slave had been legally imported*.”

Most of the observations that have been made on the Jamaica Act obviously apply to this. The relief is expressly limited to Slaves *from Africa*; and a legal importation into Barbadoes, though after an illicit importation into some other British island, excludes even an African from relief, however clear the right to freedom may be. This too, against a “*wilful defaulter*,” who has six months given to him, not after his “*wilful violation*” of the Act only, but “*six months after the detection of it*,” to set up this very equivocal defence. The Act differs

* Papers, No. III. p. 6.

from that of Jamaica, chiefly in omitting to prescribe difficult newly invented remedies ; but without substituting any express remedy at all.

The Act of DEMARARY agrees exactly and verbatim in these provisions with that of Barbadoes*.

So does the Act of BERBICE†.

The Act of MONTSERRAT provides, that Slaves not duly registered " may be prosecuted " (not seized), " and condemned to the use of his Majesty," unless the person claiming " title thereto shall " establish, by positive or *strong presumptive* proof, " that they were not imported into that island contrary to the laws in force for abolishing the Slave Trade‡."

The Act of ST. CHRISTOPHER's, also, declares unregistered Slaves forfeited to the Crown ; and is equally silent as to their enfranchisement. It directs a proceeding by ex-officio information, which the master is " to appear and answer to, in the manner, as is practised in civil actions *within this island.*" What this means, and what defence shall be allowed, is not expressed ; nor is it easy to discover ; for the information is to be for the non-registration of the Slaves, and the Registrar's certificate of non-registration is directed to precede the prosecution : and yet some issue, to be the subject of a trial by jury, is supposed to follow ; for it is *after*

* Papers, No. IV. p. 27.

† Ibid. p. 21; and No. V. p. 3.

‡ Papers, No. V. p. 78.

verdict, &c. that the Slaves are to be condemned to his Majesty's use*.

The Legislature of Tobago even has not, in this respect, better provided for the due execution of its Act, and for the defence of violated freedom. After the master has been convicted and fined for a "*fraudulent and wilful omission*" in his return, he has a term of twelve months allowed to him, for proving before the Governor and Council, that the asserted Slave "was not illegally imported, but came *bona fide* into his possession;" and it is only on his default of doing so, that the unregistered Negro or Mulatto is to be (not set at liberty but) dealt with as a Slave, imported contrary to the Abolition laws†.

The other Colonial Acts before your Committee are wholly silent as to this most essential and interesting point. They contain the most ample and indulgent provisions for enabling the owners or parties to retrieve defaults of registration, as if their property were meant to be at stake; and yet the default, however wilful, persevering, and contumacious, is to raise no presumption of unlawful slavery; or at least is not made the ground of any proceeding for the deliverance of those who are thus unlawfully treated as Slaves.

It remains to state, in what degree the Assemblies have adopted the *third* expedient that has been noticed for insuring the due execution of the laws—that of making due registration a necessary part of

* Papers, No. V. p. 96.

† Papers, No. III. p. 48.

the evidence to be produced by the owner, in all forensic proceedings for the recovery of Slaves, either against parties of free condition in possession of them, or against asserted Slaves themselves, on the question of Slave or free.

The provision of the Trinidad Order in Council is,
 " That whenever, in any action, suit, or prosecution,
 " or other judicial proceeding, it shall be necessary
 " for the master or claimant of any Slave or Slaves,
 " or of any Negro, Mulatto, or other person or
 " persons asserted to be a Slave or Slaves, to
 " prove his property therein, such master, owner,
 " or claimant, shall in the first place be bound to
 " shew that such Slave or Slaves hath or have been
 " duly registered as such," &c.

It is not easy to conceive what specious reason can be assigned for the rejection of a rule like this. It rests on the same judicial policy with the provisions of many British statutes, which, in this respect at least, are not subjects of complaint. It is reasonable that a party applying to the law for a remedy, should entitle himself to it by a previous obedience to the law; and if the fear of losing that remedy, in case of need, may insure his obedience, no gentler or less objectionable sanction can possibly be desired.

It cannot, therefore, fail to excite strong observation, that the Assemblies have *unanimously* rejected this very useful and inoffensive part of the precedent before them. In no colony is registration made ne-

cessary evidence in its courts of law, to maintain an action for Slaves. In two islands, only, it is required on the issue of Slave or free; and even there in a most inadequate manner.

By the NEVIS ACT, it is provided, that in actions, or suits to be brought, for "*establishing the right of freedom* in any Negro, or Coloured person, claimed as a Slave," the Registrar's certificate, or books, shall be produced, "*or their non-production accounted for to the satisfaction of the Court;*" otherwise the party "*shall thenceforth be reputed free**."

The ACT OF TORTOLA, or the VIRGIN ISLANDS, has a clause in the same words†.

The rule of evidence in both, therefore, is confined, not merely to the direct question of Slave or free, but has place in such cases only in which an action or suit is brought *to establish the right of freedom*. When, therefore, a free Negro brings an action, or prefers an indictment, for a personal wrong, and slavery is pleaded, non-registration will not avail him; or, if the party, holding him in wrongful slavery, should prosecute him for desertion, or for any of the other numerous offences, for which a Slave is liable to corporal punishment by order of the magistrate, he might make the law itself minister to his oppressive purposes, although the prisoner had never been registered. Even in the single case in which the rule of evidence applies, if the default be "*accounted for*" in any way that a colonial court may think fit to deem satisfactory,

* Papers, No. IV. p. 86.

+ Same papers, p. 106.

there will be an end to this slender protection. It can hardly be said, therefore, that the law of Nevis and Tortola is materially better in this respect than that of the other colonies, in which the rule has been rejected altogether.

Two of the colonial legislatures, however, have distinguished themselves on the other side, in a way to which your Committee must beg leave to call your particular attention.

It would hardly be credited, perhaps, on less decisive evidence than the official copies of their acts, that they have not only rejected this useful and equitable provision, but have actually thought fit *to invert its rule; and instead of making non-registration evidence of freedom, have made registration legal evidence of slavery!!!*

Such nevertheless is the fact.

In the Act of BARBADOES is this extraordinary clause:

“ Be it further enacted, that upon all questions respecting the freedom or slavery of any individual, arising in any court, or before any magistrate, in this colony, a duly certified copy of the registration of such individual in the books of the said Registrar shall be received as sufficient prima facie evidence of the slavery of such individual *.”

The Act of DOMINICA has a clause precisely in the same words†.

In this latter case, the great danger and injustice of enabling a man, by his own return, to make evi-

* Papers, No. III. p. 7.

† Papers, No. IV. p. 34.

dence, in his own favour, against the dearest rights of his opponent, were not overlooked. The Legislature of Dominica has even manifested, that it felt at the moment the force of those objections, when property was in question; for, improving on the work of its neighbours in Barbadoes, it annexed to the clause the following proviso:—
“ Provided always, that where any dispute shall arise respecting the right or title of any person or persons to any Slave or Slaves, such registration shall not be deemed evidence of the property of such person or persons as shall be set forth in the said books of Registry as the reputed owner of such Slave or Slaves.” That is, the Registry is to be wholly inadmissible in evidence between free persons contesting the right of property in an admitted Slave; but sufficient evidence to consign to perpetual hereditary slavery a person claiming to be free!

It was felt, that the party setting up the title could easily create, by his own fraudulent act, such evidence to sustain it;—a good reason certainly for rejecting such evidence; but palpably much stronger in the question of freedom, than in that of property. Between two free persons contesting the right of property, some presumption might reasonably arise in favour of the registered against the unregistered title; at least if there had been long acquiescence in the possessor's return of ownership; whereas the free Negro, or Mulatto, cannot possibly, by any means in his power, prevent an act that may be fatal to his liberty, nor

even know whether, among the numerous returns in the colony, some man may have thought proper to insert a name and personal description, corresponding with his own, in some return of Slaves. Yet against him, and him only, such a return, without acquiescence, and without notice, is made good evidence ; and may deprive him of his liberty for life !

The opposite rule of the same act, as between free persons, though not necessary to shew, does most glaringly shew, the enormity of this injustice ; for if registration amounts in reason to a *prima facie* presumption of slavery, then non-registration must raise at least as reasonable a presumption of freedom. It is indeed more likely that a man will record a right of property which he does not, than omit to record one which he does possess. If, therefore, the master's claim is to be sustained by his own act, it ought still more to be impeached by his own law-breaking default.

These clauses are not more repugnant to reason and consistency, than diametrically opposite to the whole spirit of the Slave Registry laws. Instead of giving new security to freedom, they expose it to new and unprecedented dangers. Instead of preventing, they tend to facilitate and protect, a contraband Slave Trade. In seizures and prosecutions, under the Abolition Acts, the *onus probandi* rests on the claimant ; and in cases of clandestine importation, it might sometimes be impossible for him, without the aid of glaring perjury, to make out a colour-

able case, or safely to adduce any evidence at all. But in Barbadoes and Dominica, this will no longer be difficult. The importer of Slaves has only to include them in his next periodical return; and he will then have in the Registrar's certificate sufficient *prima facie* evidence of their slavery in law. In a variety of other cases also, frauds against the Abolition laws, as well as the wrongful imposition of slavery within the islands, will be shielded from judicial detection by the same oppressive rule: in cases, for instance, of smuggled and unregistered Negroes, brought to Dominica or Barbadoes, from another British colony, to avoid their being enfranchised there by law; an expedient, which it has been shewn, that the lax provisions of the Colonial Register Acts leave open to the master, even up to the last stage of any legal proceedings that may be instituted against him. It has been observed, that the not restraining and avoiding of conveyances of unregistered Slaves renders it easy to elude, by a legal transfer of property, most of the feeble sanctions that these laws provide. Still, if the new master to whom the victim may be transferred, or the first oppressor himself, were liable to be called upon in every British colony to which the Negro might be sent, to shew the origin of his title, some chance of discovery and deliverance might remain. But registration in Barbadoes, or Dominica, will cut off this slight risk of the oppressor, and this last hope of the oppressed. The Registrar's certificate will draw a veil over all

the past, unless the poor helpless subject of it could himself sustain the burthen of proof as to his own genealogy, or as to the acts or defaults of a former owner, arising perhaps in a distant colony, or at least in a different island and jurisdiction.

Your Committee needed not perhaps to have noticed so fully these gross and singular perversions of the institution which you have laboured to promote. They must shock the equitable feelings of every man, who for a moment considers their nature and effects. But they are worthy of a particular attention, because they mark most clearly the spirit of colonial legislation on these important subjects.

But let us not, the Committee, be supposed to regard these aggravations of the general case, in two particular colonies, as forming any considerable part of the objections to these impotent laws. The omission of the rule of evidence alone would, without its inversion, be sufficient, at least when added to the other defects that have been noticed, utterly to frustrate your hopes, and to render a Slave Registry useless. If a possessory title to Slaves is to be good without their registration—good, not only for the purpose of holding them in slavery, as between themselves and their master, but for that of conveying them by mortgage and sale to third persons, and also good in point of evidence, when the servile condition or right of property is controverted in courts of law—the first principles of the plan are subverted. It is of little moment, therefore, that these positive deteriorations of the slave codes, which the system of registration

was meant to improve, are contemptuously grafted upon it; for they will cease with the general institution itself, which must be soon swept away as a useless incumbrance.

Your Committee might point out other defects, and other very objectionable clauses in different Acts; but they think it right to stop here.

The three classes of provisions, into which the subject was originally divided, have been fairly, and with sufficient fulness reviewed; and in each of them defects have been shewn, which clearly establish the utter insufficiency of the laws as substitutes for the Register Bill. Neither in the organization of the Registries themselves, nor in the form or substance of the returns to be made, nor in the other positive duties directed to be performed by individuals and public officers, nor in the sanctions by which obedience to these laws is to be promoted or enforced, are they at all adequate to the ends proposed. It may clearly be foreseen, that they will not even supply that grand and unfortunate defect in our colonial policy, so long strangely suffered to exist, the want of an accurate periodical census of the Slave population. Much less can laws like these effectually exclude a clandestine Slave Trade, prevent the imposition of illegal slavery, and produce that salutary despair of any future foreign supply which would most effectually promote the humane treatment of the plantation Slaves, and their consequent preservation and increase.

The Acts, in short, will not be executed; and their execution, as they stand, would be useless.

It is reported, that the Assemblies have already found their own work so inconvenient and objectionable, as to have thought it expedient to pass, in several colonies, explanatory and emendatory Acts. As these are not before them, your Committee cannot state in what degree, or whether in any degree, they may have tended to remove any of the objections that have been stated. Many of these, indeed, are plainly incapable of being removed, without cancelling all that has been done under the former Acts, and resorting again to a new original Registration. Such are most of the objections that are to be found under the first and second general heads; more especially those which respect the inadequate descriptions and specifications in the original returns.

Your Committee, however, find no reason to anticipate that such emendations as are practicable in their nature will be found to have been effectually made. The same views which led to the rejection of almost every thing most useful and efficacious, in the precedent of Trinidad, and in the Register Bill brought in by Mr. Wilberforce, remain, it may be presumed, unchanged. It is, therefore, a probable conjecture, and is supported by the same rumours which state the passing of new Register Acts, that, instead of retrieving fundamental defects, they relate chiefly to points of minor importance, and tend rather to encumber than strengthen the

flimsy and baseless edifices to which they are attached.

And here your Committee would remark, that the great number and diversity of these laws, if they are to continue in action, will in itself be no trivial evil; and an evil which will be greatly multiplied, if each of the colonial legislatures is from time to time to pass new laws, altering and new-modelling the principles, and elemental forms of its Registry, and the rights and remedies connected with them, according to its own particular views.

The Registration of Slaves should be regarded as an *entire* and *general* system of legal and moral policy; the action of which is to be felt, not merely in each particular island, but in all the British colonies, and in the mother country itself.

Here, indeed, it cannot affect the rights of persons; for in England, happily, neither registered nor unregistered slavery can exist; but even here, the system, unless its first principles are to be discarded, will have very important effects on rights of property, as long as British merchants, or persons resident in England, are permitted to buy estates in the sugar colonies, or to lend money on the security of such estates.

In those colonies, collectively considered, the effects will be far more momentous; because these widely varying laws must, in many cases, decide the important question, whether individuals are entitled to all the privileges of British liberty, or are liable

in law, to an extreme, perpetual, and hereditary bondage. Now it is plainly and highly desirable, that a system of such extensive and important operation, should, both in its principles, and in its practical rules, be simple, uniform, and permanent. If, on the contrary, its complexity, and its diversities in different colonies, should be very great, and if it should be the subject of frequent changes, even in the same colony, the inconveniences must be serious; and so will probably be the dangers, both to personal and proprietary rights. It will be difficult in England to discover whether Slaves in a given island, the proposed subjects of sale or mortgage, have been duly registered according to the last and still existing laws of that island, or not. Their names may appear in the general Registry here; but a lawyer must be found, acquainted with all the varieties of the system, to advise the West-India merchant, whether the registration is regular or good in law, under the peculiar and subsisting Register Acts of that colony. In the West Indies, the question will be more difficult, and in many cases more momentous. There is no interchange of legal information between one island and another. There is no common tribunal of appeal in that part of the world, which might make the Acts of all the colonies matter of occasional cognizance at the seat of that common jurisdiction. There is no commercial intercourse, to convey through the chain of the Antilles some practical mutual acquaintance with their

respective institutions. How difficult, then, will it be to ascertain, in Jamaica, what is the existing state of the Register law in Dominica, Antigua, or Grenada ; or, *vice versa*, to know in those windward islands, what the Legislature of Jamaica may have last enacted on this important subject !

If this Report indeed should be printed and published, it may convey to the different colonies some general acquaintance with the now existing Register Acts of each other ; but it may be safely affirmed, that the information will be in a great measure new to them ; and, stopping at the dates of the parliamentary documents, will leave them ignorant of the alterations subsequently made ; yet let it be remembered, that Slaves, or persons held in slavery, may be lawfully sent from one British island to another. No security will therefore be found by any Negro or Mulatto free, through the provisions of the Register Act in the island he inhabits, unless those provisions are known in every other island to which he may go, or be sent. The system, in short, cannot possibly work well, or maintain its credit on either side of the Atlantic, unless the influence of Parliament —or, what would be far easier, the *authority* of Parliament—shall deliver it from this varying, and complex, and shifting texture. It will fall under the enormous weight of its own multiform and disjointed members.

Your Committee cannot forbear noticing another injurious consequence of this vast diversity and mul-

tiplication of laws. The British Government and Parliament, nay, even those members of both who have taken the most zealous part in promoting colonial reformation, will become weary of those endless details which the system so diversified must involve; or will not be able to find time to investigate and comprehend them, so as to direct aright the influence of the mother country towards the correction of every thing that may be fatally wrong in every particular place. Yet it is a truth which your Committee hope will never be lost sight of in the consideration of this Report, that *defect in any one island is defect and possible frustration in all.* So long as Slaves can be conveyed lawfully from one British island to another, the benefit of the whole system may be lost, by leaving any one of the insular Registries in that ill constituted state in which they all at present stand.

A general consequence to which all these observations tend is sufficiently obvious. The course unfortunately taken, of leaving this great and necessary work to the colonial legislatures, is an experiment that has failed; and is not, by being repeated, at all likely to succeed. Uniformity, as well as efficiency is wanted; and neither can be rationally expected from thirteen different bodies, who have no communication with each other, much less any deference for each other, and who all come with unconcealed reluctance to the task.

Into the motives of their dislike to an efficient Registry, your Committee will not directly inquire; but

it may be allowable to remark, that neither the avowed objection to parliamentary interference, nor the offence alleged to have been given by your former Report, can account for such acts as are here reviewed. The expedient of adopting your plan in name, and partly in form, but stripping it of all its practical efficacy, could neither be suggested by a punctilious constitutional jealousy, nor by the indignant feelings of conscious innocence. It was too much for the one, and far too little for the other.

But whatever the motives may have been, the conduct of the Assemblies has at least well justified those predictions in your former Report on this subject of which they so strongly complained. You said, "*The work, if left to them, certainly will not be done.*" You added, "*Should the fear of the mother country taking the work into her hands, now produce a less openly contumacious spirit than before, the fruit would be no better than ostensible and impotent laws. Registries would be established perhaps; but on such a defective plan, and with such inadequate legal sanctions, that the desired effect would be lost, and the system itself would be brought into discredit; nay, would be made, perhaps, a cover for those very frauds which it was designed to prevent*.*"

Let the impartial—nay, let those whose prepossessions in this controversy were most strongly on

* Report of the African Institution, on the Registration of Slaves, published in 1815, p. 107.

the side of the colonies, fairly compare this anticipation with the event, as exhibited in the present Report; and then ask themselves whether your application to Parliament was needless; whether the clamours to which it gave rise were just; and to whose charge some mischievous effects of those clamours may fairly be laid.

One only of the predictions, here quoted, yet remains to be verified: "*The system itself*" is "not *yet* brought into discredit."

To prevent this ultimate and fatal consequence, your Committee would earnestly recommend that this Review of the colonial Register Acts may without delay be submitted to the British public. Your silence might be construed into an acquiescence in those mutilations and perversions of your plan, which must certainly frustrate all its objects, and produce in its operation nothing but inconvenience and mischief.

Your Committee does not hesitate to add, as its clear opinion, that unless effectual measures shall now be taken by Parliament, to establish a Slave Registration throughout the British West-Indies, on a uniform plan, and with the only adequate executory provisions, the plan had better be altogether abandoned.

To this alternative, however, the promoters of the measure can hardly be driven. The credit of the Government and of Parliament, and even the honour and moral character of the Nation itself, in

the eyes of foreign powers, are pledged to the establishment of this system in a really efficacious way; as the best means of giving certain effect and perpetuity, within our colonies, to the Abolition of the Slave Trade.

The mutual declarations of the French and British governments, on this subject, at the Congress of AIX-LA-CHAPELLE, are of such high importance, that your Committee think it right here to recal them to your recollection.

The former government declared its willingness to introduce into its own colonies the regulations of our Register Bill, as the best means of effectually excluding a contraband importation of Slaves. It offered, also, to agree that this measure, though one of interior administration, should be a matter of mutual concert among all the colonial powers*.

The reply of the British Plenipotentiaries accepted this concession, as one of those "beneficent arrangements which may be expected to operate powerfully in suppressing the contraband Slave Trade, as far as that mischief has decidedly a French character." "They view," says their last note, "with the highest satisfaction, the determination now announced, of introducing into all the French colonies a Registry of Slaves †."

State papers like these, would become monuments

* Papers relating to the Slave Trade, presented to Parliament in February 1819, p. 85.

† Same Papers, p. 92.

of everlasting disgrace, instead of the purest glory to our country, if we should ourselves recede from the measure which France, through our example and persuasion, stands pledged to adopt.

If recent advices from North America may be credited, the evil and the disgrace in that country also would be great; for the Congress of the United States is said to have adopted, or to be about to adopt, by recommendation to the several States in the Union, the British system of excluding Slave Trade, and unlawful slavery, by means of a general Registration.

Nor would it be any palliation of our reproach to allege, that we had left this great and essential work to the Colonial Assemblies, who had frustrated it by departures from the original plan, in their weak inoperative laws; for in leaving it to them, we left it to its avowed and violent enemies. We had not to learn from experience, in this instance, the expedient to which the Assemblies would resort. During nearly thirty years, they had been in the habit of averting the interposition of Parliament, in regard to the Slave Trade and slavery, by the very same means; amusing the mother country with plausible reformatory laws, the inefficiency and open neglect of which had become notorious, and were established without contradiction on the records of Parliament itself.

Should France now charge us with flagrant inconsistency and subterfuge, in waiting four years for the

result of so hopeless an experiment, it is not easy to say what satisfactory answer could be given. The dangers of delay; the confusion inevitably to arise from a multitude of various laws in different colonies, on a practical system common to them all, and in which all must concur, in order to execute it with success; the absolute necessity of making the system efficient in every British island, in order to prevent its easy evasion in the rest; the necessary connection with an establishment in England which Parliament alone could form;—these, and a variety of other considerations, stated in your Report of 1815, might be fairly adduced to prove that the course which has been taken was obviously unwise, if not absolutely hopeless from the outset.

The difficulties, on the other hand, of Parliamentary interposition, were such only as we disregard in every other case; in every case at least, in which the fiscal, or commercial rights of the mother country, or the interests of her navigation, are concerned.

But should these difficulties be indulgently regarded as an apology for the past, they clearly can furnish none for the future. The particular experiment itself has now been tried. It rests no longer upon rational inference, or analogous facts; but on direct specific experience, that colonial legislation on this subject is useless. The Register Bill referred to in the conferences of Aix-la-Chapelle, the Register Law en-

forced by the British Government at Trinidad, has been so mutilated and nullified in every British colony, that the Acts cannot, with gravity or decency, be held forth to France as the efficient adoption, on our part, of the system in which we invited her concurrence. If she should offer to redeem her public pledge by establishing a Slave Registry, not on the model of Trinidad, but on that of Jamaica, we could neither reject the offer with decorum, nor accept it, without betraying the cause of Africa ; a cause which we have advocated before assembled Europe. We must renounce, therefore, the important ground we gained at Aix-la-Chapelle, and our national credit along with it; or we must now at length vindicate our consistency and our honour, by establishing effectually, throughout the British West-Indies, an institution of which we ourselves have given the true model, and which we have justly represented to be one of the best means of suppressing a contraband Slave Trade.

Your Committee, however, can entertain no fear of the moral apostacy and disgrace which would attend the former alternative. The Parliament of this country, as well as its Government, is pledged to make this great measure effectual ; and still more decisive encouragement may be found in what both have actually and very recently done.

Here your Committee have arrived at the most pleasing part of their labours; and they heartily congratulate

the Institution on the Act of the last Session, brought into Parliament by the Under-secretary of State for the colonial department, and passed in both Houses with perfect unanimity, for establishing a general Registry of Colonial Slaves in England*.

"A more effectual mean, perhaps, than any other," said your Report of 1815, "of securing obedience to " a Register Act, would be, to prohibit the lending " money, by persons resident in the United King- " dom, on the security of West-India estates and " Slaves, unless the latter shall appear by returns " to the English office to have been duly register- " ed." "To this measure," it was added, "the " Assemblies themselves will hardly object, as ex- " ceeding the fair exercise of the authority of Par- " liament †."

The Institution, therefore, cannot but rejoice to find, that in the Act of Parliament referred to, a spontaneous measure of his Majesty's Government, there is a provision of this salutary kind:—

"Be it further enacted, that from and after the 1st day of January, 1820, it shall not be lawful for any of his Majesty's subjects in this United Kingdom, to purchase, or to lend or advance any money,

* See the statute, 59 Geo. III. cap. 120, entitled, "an Act for establishing a Registry of Colonial Slaves in Great Britain, and for making Provision with respect to the Removal of Slaves from British Colonies."

† Report on Registry of Slaves, of 1815, p. 111.

goods, or effects, upon the security of, any Slave or Slaves in any of his Majesty's colonies, or foreign possessions, unless such Slave or Slaves shall appear by the returns received therein, to have been first duly registered in the said office of the Registrar of colonial Slaves; and that every sale, mortgage, or conveyance, or assurance of, and any charge or other security upon, any Slave or Slaves not so appearing to be registered, which at any time or times after the said 1st day of January, 1820, shall be made or executed within the United Kingdom, to or in trust for any of his Majesty's subjects, shall be absolutely null and void, in respect of any such unregistered Slave or Slaves; and that for this purpose, no Slave or Slaves shall be deemed and taken to be duly registered, unless it shall appear that a return of such Slave or Slaves duly made by the owner or owners, or other persons on his or their behalf, in the manner and form required by law in the colony in which such Slave or Slaves may reside, or a copy or abstract of such return, shall have been received in the office of the said Registrar, from the colony in which such Slave or Slaves shall reside, within the four years next preceding the date of such sale, mortgage, conveyance, or assurance, charge, or security, as aforesaid."

" And it is hereby further enacted, that from and after the said first day of January, 1820, no deed or instrument made or executed within this United

Kingdom, whereby any Slave or Slaves in any of the said colonies shall be intended to be mortgaged, sold, charged, or in any manner transferred or conveyed, or any estate or interest therein created or raised, shall be good or valid in law to pass or convey, charge or affect any Slave or Slaves, unless the registered name and description, or names and descriptions, of such Slave or Slaves shall be duly set forth in such deed or instrument, or in some schedule thereupon endorsed, or thereto annexed, according to the then latest registration, or corrected registration, of such Slave or Slaves in the said office of the Registrar of Slaves*.”

This Act indeed seems to suppose, what, from the review now given of the colonial Register Acts, will be found to be the reverse of the existing case; namely, that means have been provided to supply the English Register-office with duplicates of the books of original Registration, and of the periodical returns, from all our colonies. It also seems to suppose, what the observations quoted from your former Report implied, that the returns, original and periodical, will be such as the Register Bill designed; or at least will be sufficiently particular, descriptive, and full, to shew the progressive numbers, and the identity, of the Slaves on a given plantation, who may be the subject of mortgage or sale: whereas the colonial Acts, supposing them to be ever so punctually

* Sections 8 and 9.

executed, will produce no such information, even within the respective colonies; still less in the books or documents which some of them direct to be transmitted to this country.

Till these defects, therefore, are supplied, the Act of Parliament must operate rather to prohibit totally, than to regulate, mortgages or sales of Slaves by conveyances to be executed in this kingdom, or to persons resident here. But this inconvenience cannot be charged on the promoters of the Register Bill. Neither will it justly be imputable, by the colonies which may suffer by it, to the late Act, or to its official patrons. The fault is entirely their own. If there has been an error in Government or Parliament, it has been that of reposing too much confidence in, and acting with too much complaisance towards, themselves; of which *they* at least would with a very ill grace complain.

A great national measure has been committed to their regulation, that part of it excepted which can emanate from the authority of Parliament alone; and if they will not perform *their* part of the work, the mother country must at least perform *hers*. It would be arrogant in the extreme to require that the English Registry should be accommodated to their own vague and useless provisions; or guarded only by the same impotent sanctions. It is indeed now plain, that if the work is still to be left to the colonial legislatures, the inconveniences that their

constituents may feel from the neglect of it are the only sources to which we can possibly look for its effectual future performance.

Your Committee, however, in this and in other views, cannot regard the Act of the last Session as adequate to its very important objects.

They must especially object to that departure from the plan of the Register Bill, which, instead of avoiding an entire conveyance, for comprising unregistered Slaves, avoids it only as to its effect on Slaves of that description.

If Parliament should stop here, the expedient will be of little value. Of what avail would be our statutes against usury, if the security were avoided, only as to the surplus beyond legal interest ; and remained good as to the principal, and five per cent.? The lender would take his chance of obtaining, without detection or controversy, the usurious excess ; secure, that at worst, he would be in as good a situation as if he had not broken the law. In like manner, the mortgagee or purchaser of a West-India estate, with many unregistered Slaves, would disregard the late Act of Parliament : being safe as to the land and the registered gang, he would trust to the point of honour, with the known disposition also of colonial courts in his favour as to the rest.

We do not treat thus tenderly defects in the registration of annuities, or of ships ; in both of which, an omission or misrepresentation of any particular

is fatal to the whole title. Nor do we consider it an adequate security against contraband commerce, or frauds on the customs or excise, to condemn the part of a cargo or stock that is the subject of illicit transaction. Yet, in neither of those cases, is there so little danger to innocence, from a wholesome severity, as in that of unregistered Slaves. There can be no hardship or inconvenience in compelling a man who buys or lends money on a West-Indian estate, to have a schedule of the Slaves annexed to his conveyance ; and to take care that their names and descriptions correspond with the latest returns in the Registrar's office. As to the risk of clerical errors, it is already sufficiently guarded against by the indulgent provisions of the Act.

But, though this parliamentary measure cannot be regarded as having done all that its principle requires, your Committee consider it as a new and unequivocal pledge of the determination of his Majesty's Government, and of the British Legislature, to make the system of Slave Registration general and effectual.

The Institution may also derive further encouragement from the manner in which the office of Registrar in England has been filled ; for your Committee have the pleasure to learn, that the gentleman appointed to it is one whose respectable character and tried official talents give the best presage of an able and faithful discharge of the novel and important public functions with which he has been entrusted.

On the whole, therefore, this interesting branch of the great cause which we are associated to promote is in a more encouraging state than when it was last under your review. The Colonial Legislatures have done nothing effectually ; but it was not by them that you expected any thing effectual would be done. They have, however, admitted the principle of the Register Bill, even while discarding all its efficacious provisions ; and have relieved the controversy from every rational doubt whether your appeal to Parliament was matter of necessity or choice. Henceforth the only question can be, whether a measure founded on such urgent considerations, both political and moral—a measure to which the Government and Parliament stand pledged to the people of this country; and the nation at large to the whole civilized world; and the necessity or high expediency of which the colonies themselves have admitted—shall be carried into execution by the authority of the British Legislature; or wholly and openly abandoned.

The evasive middle course of leaving it to be frustrated by such impotent and useless laws as your Committee have here reviewed, would be a short-lived, as well as unworthy expedient ; and could not, in any degree, save the credit of the country ; while it would produce in practice such inconvenience and confusion as could not long be endured.

But these colonial Acts might live long enough to bring the whole system into disgrace. Your Committee, therefore, earnestly recommend, that if this Report

should be adopted by your Board, it may be speedily submitted to the public ; lest it should be thought that these ostensible and practical adoptions of the great measure you have recommended, are regarded by the African Institution as adequate substitutes for the Register Bill ; or as putting to a fair practical test the principles on which it was framed.

FINIS.



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